

WAVERLEY BOROUGH COUNCIL

JOINT OVERVIEW AND SCRUTINY COMMITTEE - 21 NOVEMBER 2016

EXECUTIVE – 29 NOVEMBER 2016

EXTRAORDINARY COUNCIL – 29 NOVEMBER 2016

Title:

WAVERLEY BOROUGH LOCAL PLAN PART 1: SUBMISSION

**[Portfolio Holder: Cllr Brian Adams]
[Wards Affected: All]**

Summary and purpose:

This report provides an update on the progress with Local Plan Part 1: Strategic Policies and Sites, following the recent pre-submission consultation. The views of the Joint Overview and Scrutiny Committee have been sought and any observations for the Executive will be circulated separately after 21 November 2016.

How this report relates to the Council's Corporate Priorities:

The Waverley Borough Local Plan and its policies will have an important role in supporting and delivering Corporate Priorities, including protecting the environment and delivering affordable housing.

Financial Implications:

The production of planning policy documents will continue to be managed within existing approved budgets, including the occasional use of consultants to provide specialist support/evidence. There will also be costs associated with the Examination.

Legal Implications:

It will be necessary to ensure that when the Local Plan is submitted for Examination, it complies with the relevant legal tests of soundness.

The Inspector will make an initial assessment of the Local Plan once it has been submitted for examination. If the Inspector forms an early view that the submitted Plan may have serious shortcomings, the Inspector will raise this with the local planning authority at an early stage. Where any major concerns are identified, in relation to the duty to cooperate, other procedural requirements or the soundness of the plan, the Inspector will write to the local planning authority setting these out.

The Inspector will give the local planning authority every opportunity to respond to any concerns and address key issues that may lead the Inspector to conclude that the plan is not sound or that a legal requirement has not been met.

Where the Inspector has significant concerns about the soundness of a submitted plan, the Inspector may consider that the examination cannot be completed without additional work being undertaken. This may require consideration of a suspension or partial suspension of the examination process to give the local planning authority time to undertake further work to address the issues raised. Inspectors should make every effort to engage fully with the local planning authority in meaningful discussions to determine the scope and feasibility of any additional work needed.

If there are no initial concerns, the examination process will proceed.

Introduction

1. The Local Plan Part 1 sets out the key policies and overall strategy for managing and directing future development in Waverley over the period to 2032. It effectively forms the first part of the replacement of the existing Waverley Borough Local Plan. Following this will be a second document, Local Plan Part 2, which will set out the non-strategic policies and site allocations.

Consultation on the Pre-submission Local Plan

2. In July the Council agreed the Pre-submission version of the Local Plan for publication. That triggered the formal pre-submission consultation, which focused on the 'soundness' of the Plan. This will also be the focus of the Inspector who will 'examine' the Plan once it is submitted. There are certain legal tests that have to be met, based on procedure, including the legal test of whether or not the Council has met the 'Duty to Co-operate'. Officers consider that these have been met. There are additional tests of the Plan itself. The Inspector will be considering whether the Plan is:-
 - Positively Prepared
 - Effective
 - Justified
 - Consistent with national policy
3. Those responding to the pre-submission consultation were asked to link their comments to the legal and other tests of soundness. A total of almost **1,500** separate comments were received from **603** respondents. In addition there were around 2,100 postcard responses derived from a document circulated by the 'Protect Our Waverley' campaign group. These set out various reasons for objecting to the allocation of Dunsfold Aerodrome in the Plan.

Issues arising from the consultation on the Pre-Submission Local Plan

4. Members are reminded that the Local Plan Part 1 has its foundations in the original Core Strategy that was withdrawn from Examination in 2013 on the recommendation of the Inspector. The Core Strategy itself had been subject to extensive consultation and many of the policies in Local Plan Part 1 are an evolution/updating of earlier Core Strategy policies. Members are also reminded that in 2014 there was a consultation on different scenarios for the distribution of new homes within Waverley. That consultation also included the opportunity to comment on other issues relevant to the development of the Local Plan, such as issues around the approach to the Green Belt. The spatial strategy in the new

Local Plan, which includes the proposed allocation of the Dunsfold Aerodrome site as a new settlement for 2,600 homes, is an evolution of one of the scenarios consulted on in 2014.

5. Set out at Annexe 1 (*circulated in a separate pack to all councillors as part of the agenda for the Joint Overview and Scrutiny Committee*) is a schedule setting out, by chapter, the key issues coming out of the latest consultation and the officers' response to these. Some of the key comments arising from the consultation include:

- The objectively assessed need (OAN) for new housing has not been properly identified. In relation to this some argue that the OAN is too high, questioning the need for an uplift relating to affordability and arguing that the Council should take account of the most recent population projections published in June. Others argue that the OAN is not high enough. There are various reasons for this including that it should be higher to take more account of the need for affordable homes, that there should be a greater uplift due to affordability issues and that the plan understates likely economic growth and additional housing needed to support this.
- Some argue that the housing target, (which is the same as the OAN) is too high and does not take account of the various constraints in Waverley.
- Others argue that the housing target is not high enough. Some argue that there should be a buffer to allow for some flexibility and contingency in the event that projected sources of housing supply do not come forward. Examples include non-delivery of identified sites and a perceived over-reliance on windfalls. Some also comment that there is too much reliance on one site (Dunsfold Aerodrome). Linked to this are comments that there are other sites available that the Council could bring forward to deal with a potential future delivery issue.
- Linked to the above are various comments concerning the Duty to Co-operate and, in particular the fact that there are unmet needs within the Housing Market Area (arising from Woking) and that Waverley should be picking this up.
- Some have challenged the distribution of development, with particular reference to the amount of housing being proposed in the Eastern part of the Borough. Various reasons are given for this, including the argument that the locations identified for growth in this area (Cranleigh and Dunsfold Aerodrome) are not sustainable locations.
- In relation to Dunsfold Aerodrome those opposing its development refer to a number of factors, including concerns around infrastructure and the limited scope to improve this.
- Infrastructure generally is raised as an issue. This covers a range of factors. Two of the most prominent are concerns around transport/roads and drainage, including the capacity of sewage treatment works and implications for water quality.
- Some have argued that there has not been sufficient consultation or that previous consultations have been flawed.
- Some have challenged the two-stage process of producing the Local Plan (i.e. Local Plan Parts 1 and 2). Some argue that this reduces certainty about the overall delivery of the strategy. Others argue that decisions on specific matters, such as changes to Green Belt should all be made in Local Plan Part 1 rather than the proposed approach of deferring some decisions to Local Plan Part 2.

- Linked to the above are some challenges around the approach to meeting the needs of Travellers and whether decisions on this should be in Local Plan Part 1 rather than Part 2.

Officer response

6. A number of the issues raised were anticipated and have been addressed through the plan itself and supporting evidence, such as the Sustainability Appraisal (SA). In relation to the issue of the OAN, the various comments made have been considered both by the officers and by GL Hearn, the consultants who carried out the Strategic Housing Market Assessment (SHMA) on behalf of Waverley, Guildford and Woking. In essence this has confirmed that the SHMA is a sound piece of evidence, based on the up-to-date data at the time and that it can be supported through the examination process.
7. In relation to the issue of the housing target, based on the evidence, it is not considered that there is a justification for seeking to argue that the Council is not able to meet its housing needs, notwithstanding the constraints in the Borough, which are recognised. In terms of whether the housing target is too low, officers are confident that the strategy is deliverable and that the Council has not over-stated the amount of windfall development. In addition, the Council has identified in chapter 19 the broad location of where it would seek to bring forward additional sites, if it were to transpire that the required amount of housing was not coming forward from the currently identified sources.
8. In relation to the issue of unmet needs elsewhere, the Council is working with Guildford and Woking Borough Councils to agree a statement of common ground in relation to this. The Council has already considered through the Sustainability Appraisal whether it could meet additional needs from outside the Borough and concluded that it is not able to do so.
9. With regard to the distribution of development, this has been assessed through the Sustainability Appraisal and other evidence. There are a range of factors influencing whether the strategy is sound and taking these into account it is considered that the distribution is appropriate. In terms of infrastructure it is acknowledged that in some locations infrastructure needs to be improved to support development. The Infrastructure Delivery Plan (IDP) will be an important piece of evidence identifying necessary infrastructure to support development. This includes a particular focus on transport and drainage matters.
10. In relation to previous consultations, it is not considered that this is flawed or inadequate. In relation to this, legal advice was sought on the particular issue of whether the Council was able to proceed to the Regulation 19 consultation, having regard to previous consultations, and the advice received was that this was an acceptable approach.
11. In relation to the two-stage approach, this has been the Council's intention for sometime and it is considered that this is reasonable. In particular, it is not considered that this approach puts the deliverability of the strategy at risk. It is also considered reasonable to defer some of the detailed decisions, such as the detailed changes to settlement boundaries around villages in the Green Belt to Part 2 of the Plan. In addition, it is considered that the approach to dealing with Gypsy and

Traveller needs, as set out in the Plan, with the details of any new site allocations addressed through Local Plan Part 2, is a reasonable one.

12. Having reviewed the comments made in response to the consultation, officers have identified a number of minor modifications to the text and the policies in the Plan. These are set out in the table at Annexe 2 (*again circulated as separate pack*). This schedule of modifications will be submitted to the Planning Inspectorate alongside the draft plan itself.

Conclusion

13. The officers have carefully considered the responses to the consultation and have identified some minor changes to improve the plan. In some cases, it has been necessary to refer comments to consultants and to have further discussions with key consultees, such as the Environment Agency, in order to address points raised. This may result in an update to the schedule of comments and the schedule of minor modifications.

Joint Overview and Scrutiny Committee

14. The Joint Overview and Scrutiny Committee is due to give consideration to this report, at its meeting on 21 November 2016, and any comments or observations to the Executive will be circulated separately.

Recommendation

It is recommended that the Executive recommends to Council that:

1. the Waverley Borough Local Plan Part 1 be submitted for Examination together with the schedule of proposed modifications; and
2. the Head of Planning Services, in consultation with the Planning Portfolio Holder, be authorised to make any necessary changes to the schedule of modifications arising from the updating of the supporting evidence base prior to the submission.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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