

WAVERLEY BOROUGH COUNCIL

EXECUTIVE

29TH NOVEMBER 2022

Title:

Update on Local Plan Part 2

Portfolio Holder: Cllr Liz Townsend, Portfolio Holder for Planning

Head of Service: Abi Lewis, Executive Head of Regeneration and Planning Policy

Key decision: Report for noting.

Access:

1. Purpose and summary

- 1.1 The purpose of this report is to update the Executive on the examination of LPP2 and to outline how LPP2 will be progressed as quickly as possible to adoption.
- 1.2 The Inspector has advised that he considers no further Main Modifications (MMs), over and above those already discussed through the hearing sessions, are necessary to make the plan sound and/or legally compliant.
- 1.3 The Inspector will not be issuing a post-hearings letter and has instead asked the Council to finalise the schedule of MMs and to proceed with public consultation. He will take account of representations on the MMs in finalising his report.

2. Recommendation

- 2.1 It is recommended that the Executive notes the draft schedule of Main Modifications (MMs) at Annexe 1 and the indicative timetable for finalising LPP2 in section 5 of this report.

3. Reason for the recommendation

- 3.1 To alert the Executive to the Main Modifications that the Inspector currently considers necessary to make LPP2 sound and/or legally compliant and to enable the planning policy team to prioritise work on the final stages of preparing LPP2.

4. Background

- 4.1 The examination of LPP2 by the independent Inspector is ongoing. Hearing sessions took place in July and September 2022. Following these, the Inspector invited the Council to provide a Statement of Common Ground (SoCG) with the promoter of the Milford Golf Course site (LPP1 strategic allocation) in relation to the delivery of the consented housing scheme for 190 dwellings. Interested parties were given until 14th October 2022 to comment on this.

- 4.2 At the outset of the examination process the Council formally requested that the Inspector should recommend any MMs that he considers necessary to make the plan sound and legally compliant (to allow it to be adopted).
- 4.3 The planning policy team (with input from the portfolio holder) has worked with the Inspector to prepare a schedule of proposed MMs to address matters identified during the examination and to update other elements of the plan as necessary. The Executive has been kept informed of this work. Most of the MMs were identified in the Council's Response Statements on the Matters and Issues Questions raised by the Inspector ahead of the hearing sessions. During the hearings, the Inspector identified additional areas where MMs are likely to be required.
- 4.4 The draft schedule of MMs is provided at Annexe 1. This has not yet been signed-off by the Inspector, but the final version is unlikely to be materially different as the individual MMs have been agreed with him during the examination. The MMs are primarily to ensure that LPP2 is justified, effective and consistent with the NPPF. They include:
- Updates regarding changes to legislation and regulations, for instance in relation to biodiversity net gain (DM1) and energy efficiency (DM2).
 - Factual updates include references to progress on neighbourhood plans and the delivery of development.
 - Stronger policy wording, in some cases to include wording formerly found in supporting text, for instance regarding amenity space standards (DM5) and new policy on design principles for gypsy and traveller sites (DM37).
 - A new policy (DM13A) referencing the detailed amendments that LPP2 makes to Green Belt Boundaries.
 - Supporting text throughout the plan that is clarified and expanded to assist with implementation, for instance clarifying what is meant by the "limited infilling" referred to in DM14.
 - A monitoring framework that is expanded to explain what action will be taken if policies are not working.
- 4.5 Officers consider that the proposed MMs will improve and strengthen LPP2. None of the proposed MMs is considered to fundamentally change the substance of the plan.
- 4.6 A key area of debate through the examination has been whether the proposed housing allocations in LPP2 are appropriate and adequate to deliver the housing requirements set out in Local Plan Part 1. Promoters of alternative "omission" sites have argued that a delay in delivering the strategic sites allocated in LPP1, notably Dunsfold Park and land at Milford Golf Course (MGC), will leave a shortfall in housing delivery which should be met through additional allocations.
- 4.7 The Council has now been advised by the examination Inspector that "*After carefully considering submitted evidence, and the written and oral statements of examination participants, the Inspector is of the view that no further main modifications, over and above those already communicated through the hearing sessions, are necessary in order to make the plan sound and/or legally compliant. Accordingly, the Inspector will not be issuing a post-hearings letter. The Council is advised to finalise the schedule of main modifications and*

related material ahead of proceeding with the necessary consultation, following the processes set out in the Inspectorate's Procedure Guide, and taking into account the considerations set out in the Inspector's closing remarks at the hearings (ID-10)."

- 4.8 The reasoning behind this statement will be set out in the Inspector's final report. It is however evident that, at this stage, the Inspector considers it unnecessary to identify additional housing site allocations in LPP2.

5. Consideration of Issues - Next Steps

- 5.1 The proposed MMs to LPP2 must be subject to public consultation (for a minimum of 6 weeks) and, where necessary, a sustainability appraisal (SA) and Habitats Regulations Assessment (HRA) must be carried out. The final schedule of MMs will show any consequential changes to LPP2 and will be accompanied by supporting material including a marked-up version of LPP2, a table of proposed modifications to the Policies Map, and the SA and HRA of the proposed MMs. The consultation will make it clear that it is only about the proposed MMs and not about other aspects of the plan, and that the MMs are put forward without prejudice to the Inspector's final conclusions.
- 5.2 The Inspector will need to consider representations on the MMs before finalising his report and schedule of recommended MMs. In considering the representations he may, in limited circumstances, consider that new or amended MMs are needed. If so, these new/amended MMs may require further consultation. Further hearing sessions will only be held if essential in the interests of fairness or to clarify or resolve substantial new issues arising from the representations.
- 5.3 The Inspector's current view that no further MMs, over and above those in the draft schedule at Annexe 1, are necessary should enable LPP2 to progress relatively quickly. Finalising the draft schedule with the Inspector, and the subsequent consultation, is being undertaken through the authority delegated to the Joint Executive Head of Regeneration and Planning Policy. It is the role of the Inspector to recommend whatever MMs he considers necessary, and for the Council to then formally decide whether to adopt LPP2 with these modifications.
- 5.4 An indicative timetable for the next stages for LPP2 is set out below. It is a best-case scenario which relies on the Inspector providing his final report by the end of February 2023. This will depend on the amount and content of representations that the consultation attracts and any material changes to national policy or legislation.

Milestone	Potential date
Executive to note proposed MMs	29/11/22
Main Mods Consultation Start	09/12/22
Main Mods Consultation End (1 week more than the statutory 6 because of Christmas)	27/01/23
Council receives the Inspector's Report (assuming no further MMs or hearing sessions required)	February 2023

Overview and Scrutiny Committee	TBC
Executive	07/03/23
Council considers adoption of LPP2 (with recommended MMs)	21/03/23

6. Relationship to the Corporate Strategy and Service Plan

- 6.1 An up-to-date Local Plan is central to delivering the Council's strategic priority of "Effective strategic planning and development management to meet the needs of our communities".

7. Implications of decision

7.1 Resource (Finance, procurement, staffing, IT)

Waverley holds a reserve to cover costs related to local LPP2. This reserve is monitored regularly to ensure there is sufficient funding available and will be reviewed as part of the budget setting process for 2023/24 to assess whether a top up is required. There are no additional resource requirements arising from this report.

7.2 Risk management

The Council is in the hands of the Inspector in relation to the content and timing of his final report. The Planning Policy Team will continue to respond quickly to any requests that the Inspector makes through the Programme Officer so that LPP2 is progressed as quickly and smoothly as possible.

7.3 Legal

No direct legal implications arise from this report. Legal services will continue to provide any necessary support throughout the examination.

7.4 Equality, diversity and inclusion

There are no direct equality, diversity, or inclusion implications in this report.

7.5 Climate emergency declaration

LPP2 amplifies and updates the strategic policies of LPP1, including in relation to climate change and energy efficiency.

8. Consultation and engagement

- 8.1 Public consultation will be carried out on the proposed Main Modifications to LPP2 for an extended 7 week period.

9. Other options considered

- 9.1 LPP2 must be completed in accordance with the Development Plan Regulations, The Planning Inspectorate's (PINs) Procedure Guide for Local Plan Examinations, and the Council's Statement of Community Involvement. The approach recommended in this report is consistent with the way that MMs for LPP1 were dealt with.

10. Governance journey

- 10.1 The full Council, as local planning authority, is responsible for key decisions on LPP2, including agreeing the Regulation 19 plan for submission, and deciding whether to adopt the final plan with Main Modifications recommended by the Inspector. In doing so, it is guided by the Overview and Scrutiny (Services) Committee and the Executive.
- 10.2 In between these milestones, work on preparing LPP2 has been undertaken under the authority delegated to the Head of Service, where appropriate in consultation with the Executive and/or portfolio holder. This includes working with the Inspector to prepare the schedule of proposed MMs. These MMs effectively 'belong' to the Inspector, who may change them in the light of the consultation response. At the request of the Council, the Inspector will recommend any MMs he considers necessary to make LPP2 sound and legally compliant. The decision on whether to adopt the plan with these MMs will then fall to Full Council as set out above.

Annexes:

Annexe 1 – draft Schedule of Main Modifications

Background Papers

There are / are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

CONTACT OFFICER:

Name: Andrew Longley
Position: Interim Planning Policy Manager
Telephone: 01483 523427
Email: andrew.longley@waverley.gov.uk

Agreed and signed off by:
Legal Services: 10/11/22
Head of Finance: 10/11/22
Strategic Director: 10/11/22
Portfolio Holder: 09/11/22