

# **WAVERLEY BOROUGH COUNCIL**

## **EXECUTIVE AND COUNCIL**

**21<sup>ST</sup> MARCH 2023**

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**Title:**

**Local Plan Part 2: Adoption**

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**Portfolio Holder:** Cllr Liz Townsend, Portfolio Holder for Planning

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

**Key decision:** Yes

**Access:**

### **1. Purpose and summary**

- 1.1 Following the Examination of Local Plan Part 2: Strategic Policies and Sites (LPP2), the Council has received the report from the independent Planning Inspector, Mr GJ Fort BA PGDip MCD MRTPI. This is provided as [Appendix 1](#) and the schedule of Main Modifications (MMs) recommended by the Inspector is provided as [Appendix 2](#).
- 1.2 The Inspector has concluded that, subject to the recommended MMs, LPP2 is legally compliant and sound and provides an appropriate basis for the planning of the Borough. The MMs are considered to improve and strengthen the Plan. It should be noted that the Council has no discretion to vary the MMs recommended by the Inspector. If they are not accepted, the Council cannot adopt LPP2.
- 1.3 The next step in the process is for the Council to formally adopt LPP2 as part of the statutory development plan for the Borough. The LPP2 for adoption is the Submitted Plan (comprising the Regulation 19 Draft Plan and Addendum) as amended by the MMs recommended by the Inspector ([Appendix 2](#)) and Additional Modifications identified by the Council. This is provided as a tracked-changes version at [Appendix 3](#). The final version of LPP2 will be published as quickly as possible after the Council has resolved to adopt it. Delegated authority is sought to address any further Additional Modifications (minor corrections/ updates/ formatting) identified in finalising the document.
- 1.4 Following adoption of LPP2, the Council will need to update the Policies Map to include the consequential changes identified in the Schedule of Changes to the Adopted Policies Map published for consultation with the proposed MMs and AMs in December 2022. This is provided as [Appendix 4](#).

### **2. Recommendation**

- 2.1 It is recommended that the Council resolves to:

1. Adopt the Waverley Borough Local Plan Part 2 incorporating the Main Modifications recommended by the Inspector (Appendix 2) and Additional Modifications identified by the Council (all as shown in the tracked changes version at Appendix 3) and agrees the consequential Changes to the Adopted Policies Map (Appendix 4).
2. Authorise the Executive Head of Regeneration and Planning Policy, in consultation with Planning Portfolio Holder, to make any other Additional Modifications (minor corrections, factual updates, and formatting) identified in finalising LPP2 for publication.

### **3. Reason for the recommendation**

- 3.1 To adopt Local Plan Part 2 as part of the statutory development plan for the Borough.

### **4. Background**

#### Introduction

- 4.1 The new Local Plan for Waverley has been produced in two stages. The adopted Local Plan Part 1 (LPP1) sets out the overall strategy along with strategic planning policies and some strategic site allocations. This was adopted in February 2018. Local Plan Part 2 (LPP2) deals with the detailed site allocations for Haslemere and Milford and Witley because those towns and parishes chose not to include any site allocations in their neighbourhood plan to meet the housing numbers required in those settlements in LPP1. In addition, LPP2 includes allocations to meet the borough's accommodation needs of Gypsy and Travellers and sets out general development management policies for the Borough.

#### The Examination of LPP2

- 4.2 LPP2 was submitted for examination to the Secretary of State for Levelling Up, Housing and Communities for Examination on 22 December 2021. The purpose of the examination was to allow the Inspector to assess the Plan against the tests of soundness, including considering whether the Plan is consistent with national policy. The Inspector also assessed the Plan for compliance with various legal and procedural tests, including whether the Council has met the Duty to Co-operate.
- 4.3 As part of the examination process, the Council asked the Inspector to recommend any MMs that he considers necessary to make the plan sound and/or legally compliant to enable its adoption.
- 4.4 Public examination hearing sessions took place from 12 to 21 July and on 6 September 2022. During these the Inspector identified aspects of the plan where MMs were likely to be required. The Council worked with the Inspector to prepare a Schedule of proposed MMs to address the identified issues and to update other elements of the plan as necessary.

4.5 The Schedule of MMs and related documents were consulted upon for a period of seven weeks from 9 December 2022 to 27 January 2023. The Council also published a schedule of Additional Modifications (minor updates and corrections). Representations were sought on the proposed MMs and related changes to the Adopted Policies Map. It was also possible to comment on the Addenda to the Sustainability Appraisal and Habitats Regulations Assessment of LPP2 relating to the MMs. All representations were provided to the Inspector together with a summary schedule.

#### The Inspectors Report

4.6 The Inspector's report is provided as Appendix 1. In accordance with the Development Plan Regulations, this will be published on the Council's website and notice given to those persons who have asked to be notified.

4.7 The Inspector has concluded that the Council has met the statutory Duty to Cooperate. In relation to other aspects of legal compliance and matters of soundness, he has broadly supported the Council's position, recommending MMs to address any identified deficiencies.

4.8 On the housing issues that dominated the examination hearings, the Inspector endorses the Council's position that it is not necessary for LPP2 to identify a five-year supply of housing land for the Borough as a whole, as it is only one component of the policies directed to this matter (para 31). He recognises the slippage in delivery of strategic sites including Dunsfold Aerodrome but agrees with the Council that this is a strategic matter that should be addressed through the update to LPP1 (para 33). He supports the timely adoption of LPP2, which will bring forward a considerable number of allocations to make a significant contribution to housing supply in a heavily constrained Borough (para 34). These conclusions, coupled with his acceptance of all the proposed site allocations, mean that the Inspector has not recommended any additional housing sites for inclusion in LPP2.

4.9 The Inspector's conclusion (para 177) is that the plan as submitted has a number of deficiencies in respect of soundness and legal compliance. He therefore recommends that it is not adopted in this form. However, at the outset of the examination the Council formally asked the Inspector to recommend any MMs that he considered necessary to make the Plan sound and/or legally compliant and capable of adoption. The MMs recommended by the Inspector are set out in Appendix 2. He has recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to the consultation.

4.10 The MMs recommended by the Inspector involve:

- Adjustments to ensure that development management policies are justified, consistent with national policy and effective;
- Changes to ensure that allocations would be effective and consistent with national policy;
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

- 4.11 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.

#### Adopting the Plan

- 4.12 The next stage in the process is for the Council to adopt LPP2 as part of the statutory development plan for the Borough, replacing the policies in the 2002 Local Plan that are currently “saved”. This will provide an up-to-date suite of development management policies and specific site allocations to assist in achieving a 5-year housing supply. It will put the Council in a stronger position to defend planning decisions at appeal and to secure the necessary infrastructure to support growth.
- 4.13 The LPP2 for adoption is the Submitted Plan (comprising the Regulation 19 Draft Plan and Addendum) as amended by the MMs recommended by the Inspector (Appendix 2) and Additional Modifications (minor corrections/ updates) identified by the Council. This is provided as a tracked-changes version at Appendix 3. The final version of LPP2 will be published as quickly as possible after the Council has resolved to adopt it. Delegated authority is sought to address any further Additional Modifications identified in finalising the document.
- 4.14 Following adoption of LPP2, the Council will need to update the Policies Map to include the consequential changes identified in the Schedule of Changes to the Adopted Policies Map published for consultation with the proposed MMs and AMs in December 2022. This is provided at Appendix 4.

#### Conclusions

- 4.15 Having regard to the Inspector’s findings, and the clear benefits of having an up-to-date LPP2 in place, officers strongly recommend that the Council adopts LPP2 incorporating the MMs recommended by the Inspector, together with AMs identified by the Council. For completeness, it is recommended that the consequential changes to the Adopted Policies Map are also agreed.
- 4.16 The MMs are considered to improve and strengthen the Plan. It should be noted that the Council has no discretion to vary the MMs recommended by the Inspector. If the recommendations were not accepted, the Council could not adopt LPP2.
- 4.17 The receipt of the Inspector’s report and its positive finding that, with MMs the Plan is ‘sound’ and legally compliant, is the successful culmination of several years’ work including engaging with the communities that are most affected by the proposed allocations. Together with those neighbourhood plans that have been “made”, the adoption of LPP2 will provide detailed planning policies and site allocations for the Borough.

### **5. Relationship to the Corporate Strategy and Service Plan**

- 5.1 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”.

## **6. Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

The only cost of resourcing the adoption of LPP2 will be incurred by the legal requirement to notify the public of its adoption and subsequently to make copies of the LPP2 and the adopted policies maps suitably available for inspection. Where hard copies of LPP2 documents are needed then there will be a cost of the printing, but this will be recovered through their sale.

### **6.2 Risk management**

There are clear risks to the Council were it to decide not to adopt the Plan. These include:

- Wasted expenditure on the preparation and examination of LPP2. Further resources would be needed to repeat the exercise of producing site specific policies.
- Lost opportunities to implement up to date policies including development management policies.
- Greater uncertainty for communities regarding where development will go and how much needs to be accommodated.
- Reduction in the pipeline of allocated housing sites, resulting in greater pressure for speculative developments and planning-by-appeal rather than a plan-led approach. This would increase the risk of the Council failing to meet Government targets in respect of the quality of decision making.

### **6.3 Legal**

The Inspector is satisfied that LPP2 is legally compliant with the requirements of relevant legislation.

A person aggrieved by the adoption of LPP2 may make an application to the High Court within 6 weeks of the Council's decision.

### **6.4 Equality, diversity and inclusion**

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

### **6.5 Climate emergency declaration**

The adoption of LPP2 will allow the Council to utilise up to date policies of climate change and energy efficiency.

## **7. Consultation and engagement**

If the Council agrees to adopt LPP2, it is required under Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 to publicise this, notify those who wish to be, and make it available for inspection.

## **8. Other options considered**

8.1 There is an option to not adopt LPP2 and to withdraw it. The Council would then need to decide if it wanted to start the process of preparing LPP2 again or prepare a new single local plan. However, in coming to a decision, the risks set out in paragraph 6.2 of this report would need to be considered.

**9. Governance journey**

Executive	Tues 21/03/23
Council	Tues 21/03/23

**Appendices:**

1. Report on the Examination of the Waverley Local Plan Part 2
2. Schedule of Main Modifications to LPP2 recommended by the Inspector
3. Tracked changes copy of LPP2 showing Main Modifications and Additional Modifications
4. Consequential Changes to the Adopted Policies Map

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**Background Papers**

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

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Agreed and signed off by:  
Legal Services:  
Head of Finance:  
Strategic Director: 13/3/23  
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