

**NON EXEMPT**

## **HAVANT BOROUGH COUNCIL**

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**Operations and Place Shaping Board**

**11 December 2018**

**HAVANT BOROUGH LOCAL PLAN 2036 – DECEMBER 2018 UPDATE**  
**David Hayward (Planning Policy Manager)**

### **INFORMATION**

**Portfolio: Cabinet Lead for Communities, Development and Housing**  
**Cllr Leah Turner**

**Executive Director: Director of Operations (James Hassett)**

**Key Decision: Yes**

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### **1.0 Purpose of Report**

- 1.1. This report is to give the Operations and Place Shaping Board an update on the progress of the Havant Borough Local Plan 2036 and the next steps in the plan's production.

### **2.0 Recommendations**

- 2.1. The Operations and Place Shaping Board is recommended to:
- a) Note the progress in preparing the Havant Borough Local Plan 2036 against the Local Plan Project Plan
  - b) Note the aim for Cabinet and Council to consider the Pre-Submission Havant Borough Local Plan 2036 on 30<sup>th</sup> January 2019
  - c) Note the extremely tight timeframes involved in achieving the targeted Cabinet and Council date and the work required to meet them

### **3.0 Bringing forward the Havant Borough Local Plan 2036**

#### **Regulatory context**

- 3.1. A Local Plan is key to positively planning for the future of the Borough, making long-term decisions regarding the amount of development and where it should go. It also addresses some of the key challenges facing society and how these should be taken forward

within the Borough, such as our aging society, air quality and climate change.

- 3.2. The role of a Local Plan is set out in the Planning and Compulsory Purchase Act (hereafter referred to as The Act). The process of preparing and adopting a Local Plan is set out in the Town and Country Planning (Local Planning) (England) Regulations (hereafter referred to as The Regulations).
- 3.3. The Regulations set out the prescribed stages in preparing a Local Plan. These are broadly:
  - a) **Preparation of a Local Plan** (Regulations 18) – this sets out that Local Plans should be prepared and that stakeholders should be part of the preparation process. How, how long for and to what extent are left to the discretion of The Council. The consultations on Draft Local Plan Housing Statement and Draft Local Plan (see below) were the Council’s formal consultations under this regulation
  - b) **Publication of a Local Plan** (Regulations 19 & 20) – this sets out that before a Local Plan can be submitted to the Secretary of State, it must be published (along with all of the proposed submission documents) and a consultation must take place.
  - c) **Submission of the Local Plan to the Secretary of State** (Regulation 22) – the Council has to submit the Local Plan, its evidence base and a number of other documents to the Secretary of State for an Examination.
  - d) **The Examination** (Regulations 24 and 25) – the Secretary of State (in practice the Planning Inspectorate) will examine the plan to ensure it is legally compliant and sound. A report on these matters will then be published.
  - e) **Adoption** (Regulation 26) - If the Local Plan is legally compliant and sound (or can be made to be) then the Council can adopt it and it becomes part of the Development Plan for the area and has full weight when determining planning applications.
- 3.4. It is a requirement<sup>1</sup> for Local Planning Authorities to produce and update a Local Development Scheme (LDS). This must specify a number of matters including which Local Plan documents are being produced and the timetable for doing so.

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<sup>1</sup> Part 15 of the Planning and Compulsory Purchase Act

- 3.5. The Council's LDS is on our website at <http://www.havant.gov.uk/planning-and-environment/planning-policy/local-plan-core-strategy/local-development-scheme>. This was approved by Cabinet in December 2017 alongside the Draft Local Plan.
- 3.6. However following the most recent consultation, it was considered that the timetable in the LDS was not possible to achieve. As such, a new one was informally published as part of the Council's response to the Consultation (see below).
- 3.7. The Council's LDS will need to be updated when Cabinet and Council next consider the Local Plan. This is standard practice.

#### **Work to date**

- 3.8. The production of the Havant Borough Local Plan 2036 has been a key corporate priority for Havant Borough Council for over two years. Work by officers started on the Local Plan Housing Statement (the first stage in the plan's production) at the end of 2015.
- 3.9. The Draft Local Plan Housing Statement was then subject to public consultation in the summer of 2016. The results of the consultation were analysed and changes were proposed to the Housing Statement. The Local Plan Housing Statement was adopted by Full Council on 7<sup>th</sup> December 2016. This represented an important first stage in the preparation of the new Local Plan. However it also performs a role as a standalone Council strategy in the period up to the adoption of the Havant Borough Local Plan 2036.
- 3.10. Officers then turned attention to the production of the Draft Havant Borough Local Plan 2036, which took up most of 2017. This culminated in the approval at Cabinet to proceed with the consultation on the Draft Local Plan on 18<sup>th</sup> December 2017.
- 3.11. Consultation took place in January-February 2018. The results of that consultation were analysed and published in June 2018. This set out the areas where further work was required on possible changes to the plan and those changes where it was not considered appropriate to make changes.
- 3.12. All of this would be considered the preparation of the plan as set out in paragraph 3.3.

### **The next stage – the Pre-Submission Havant Borough Local Plan 2036**

- 3.13. The next stage in the plan's production is the 'Pre-Submission' draft of the Local Plan. It is intended that this is considered through an Extraordinary meeting of Cabinet and Council on 30<sup>th</sup> January 2019.
- 3.14. This would then result in a Pre-Submission consultation between 4<sup>th</sup> February and 18<sup>th</sup> March 2019.
- 3.15. Any delay to the Cabinet and Council meeting would mean that a consultation starting immediately afterwards would overlap with the purdah period for local government elections.

### **The challenges involved in achieving the proposed date for the Pre-Submission consultation**

- 3.16. To meet the goal set out in the published timetable requires a very significant amount of work on responding to the points raised in the 2018 consultation, engaging with key stakeholders and preparing evidence base.
- 3.17. The challenge in completing the necessary work in order for it to be able to be presented to Cabinet and Council on 30<sup>th</sup> January should not be underestimated. Officers are working to tight deadlines.
- 3.18. The Draft Local Plan was consulted on with based on the results of a large number of evidence base documents. However there are also a number of others needed before the Pre-Submission Plan can be finalised. These include the two transport assessments that are being prepared (one for the mainland and one for Hayling Island), further work regarding flood risk and a Biodiversity Strategy for the Borough to update the 2011 Biodiversity Action Plan.
- 3.19. There are also selected evidence base studies where either the need for them in their entirety was not possible to predict or it has been necessary to significantly vary the scope of the study. An example of this is air quality. This was looked at through the Partnership for Urban South Hampshire, which was entirely appropriate. However at the conclusion of this work, it was apparent that further, more detailed work at the local level was also necessary. As such, in order to stay on course for 30<sup>th</sup> January, there has had to be a single supplier based procurement exercise to commission this work. The work is underway now and is anticipated in January.
- 3.20. During 2018, Government has also updated the National Planning Policy Framework (NPPF), which sets out national policies relating to

development. This has required re-assessing the policies in the plan to make sure that they comply with any change in direction. Whilst the new NPPF did not radically differ from its predecessor, there have been areas (such as affordable housing) where changes of approach have been necessary.

- 3.21. It should also be noted that there would ultimately be a total of six consultations which take place during February-March 2019 if the Council chooses to proceed. These are:
- The Pre-Submission Local Plan
  - The Draft Community Infrastructure Levy Charging Schedule
  - A review of the Statement of Community Involvement
  - A review of the Old Bedhampton Conservation Area
  - A review of the Local List of Planning Application validation requirements
  - A focussed review of the Council's Parking Supplementary Planning Document, looking at parking standards for developments in town centres
- 3.22. There is obviously a resource implication in bringing forward multiple documents for consultation together. However most of the documents are linked. For example, following publication, the Pre-Submission Local Plan will have weight as a material consideration in determining planning applications. As such, it is sensible at that point to review the statutory list of validation requirements to make sure that applicants are required to submit the information needed to consider their applications against the new Local Plan.
- 3.23. Overall, it is necessary to keep pushing forward in order to manage the planning applications that are already with us or are likely to be in the near future. The amount of development pressure facing the Borough can be seen through the amount of public consultations being undertaken by the development industry as well as the number of Development Consultation Forums.
- 3.24. It could be that by the time the Local Plan is at Examination, a number of the sites in it are with us as planning applications. As such, if the Council does not maintain the Local Plan a key corporate priority then we may find that events overtake us.

### **Changes to resources**

- 3.25. The officers within the Planning Policy team are preparing work to a high standard and it is considered that the team has been working efficiently in its efforts to prepare the Local Plan. Throughout the

course of preparing the Local Plan, there have been several changes to the personnel in the team. Each time that recruitment has taken place, we have been able to fill the post in question and employ high quality staff.

- 3.26. The team also use consultancy support to prepare specialist studies. This has been aided recently by access to the Regeneration Company Procurement Framework which has enabled the Council to procure a specialist transport advice quickly and at a competitive price. Please also see section 4 on additional budgetary implications.
- 3.27. It is considered that there are the necessary resources in place in order to keep pushing the Local Plan forward at this point.

### **Project planning for the work following the Pre-Submission consultation**

- 3.28. The dates following the end of the proposed Pre-Submission Consultation period are somewhat dependent on how events unfold. It is anticipated that submission to the Secretary of State would take place at the start of Q3. The uncertainty is because it is dependent on the amount of representations received during the Pre-Submission consultation. These have to be summarised and provided to the Inspector. However the Council can try and address concerns raised by stakeholders through exploring changes to the plan. This could take place collaboratively with stakeholders. Such changes would then be submitted to the Secretary of State as a 'schedule of proposed changes'.
- 3.29. As part of the 2018 National Planning Policy Framework (NPPF), it is also necessary to prepare and adopt statements of common ground with neighbouring authorities and other bodies. This process involves further discussion with those bodies and the Council is reliant on the positive involvement of such organisations.
- 3.30. Following the submission of the Local Plan to the Secretary of State for an Examination, the programme is then largely dependent on the Planning Inspectorate.
- 3.31. However it should be noted that from the date of submission, the HBLP2036 has more weight in terms of development management decisions.

### **4.0 Additional Budgetary Implications**

- 4.1. There have been budgetary implications in keeping the momentum so that 30<sup>th</sup> January is a feasible date. This has been necessary to

overcome unexpected pressures, such as the air quality report referred to above. However it has also been necessary to bring in additional consultancy support to help meet the challenging deadlines.

- 4.2. As such, the consultancy budget area for Planning Policy will overspend within this financial year. If this spend were not authorised then there would have been an inevitable delay in the production of the plan.

## **5.0 Background and relationship to the Corporate Strategy and Directorate Business Plan/s**

- 5.1. The Havant Borough Local Plan is a key corporate priority. It has significant links to the published Corporate Strategy and the recently adopted Regeneration Strategy. However it is also linked to or relates in some way to a number of other strategies within the Council and partner organisations.
- 5.2. The Local Plan is physically written by the Planning Policy Team (seven officers). However most of the teams within the Council contribute to the plan in some way, often putting in significant resources, particularly in terms of personnel. As a result, it has enormous overlap with Directorate Business Plans and is an extremely collaborative project.

## **6.0 Options considered and reasons for the recommendation**

- 6.1. The Council could choose to not prepare a Local Plan. Eventually, Government would intervene and prepare the Local Plan on the Council's behalf in this situation. There would also be a vacuum of any positive strategy to determine planning applications. This would lead to 'planning by appeal' and an incoherent approach to development in the Borough.
- 6.2. The Council could also choose to not prioritise this as a piece of work. This would leave the Borough at a significant disadvantage in terms of managing the development which is inevitable and achieving the best outcomes for the Borough.

## **7.0 Resource Implications**

- 7.1. **Financial Implications** – the Local Plan does require significant resources in terms of its preparation. This is true in terms of officer time but also in terms of consultancy support. Moving into the 2019/20 year, the Council will need to budget for the examination itself.

7.2. **Human Resources Implications** – as set out above, the Local Plan is an incredibly collaborative piece of work. As such, it is impossible to accurately calculate the amount of officer hours that have gone into its preparation. However the core team is seven full time officers.

## **8.0 Legal Implications**

8.1. The preparation of a local plan is governed by a number of sets of regulations, referred to in the body of this report. As part of the Examination, the Inspector will examine whether the Council has prepared the plan in a legally compliant manner.

8.2. As such, if the Council does not fully comply with the regulations surrounding the preparation of a local plan, this could have significant implications for its adoption and implementation.

## **9.0 Risks**

9.1. If the Council chose not to prepare a Local Plan, or to not give it the focus that it has done, then there would not be a long term strategy in place to guide development, regeneration and investment in the Borough.

9.2. The backstop is that a process is now in place where if the Council does not prepare a Local Plan in a timely manner, Government can step in and prepare it for the Council. This is a situation that should be avoided and would not be likely to produce the best outcomes.

## **10.0 Consultation**

10.1. Extensive consultation has taken place to inform the Local Plan. This has included two formal consultation periods (summer 2016 and winter 2018). It has also been informed by informal engagement and discussion with a wide variety of stakeholders in between those formal periods as well.

## **11.0 Communication**

11.1. Officers strive to keep stakeholders as up to date as possible on the preparation of the Local Plan. This is largely done through email newsletters to anyone who has signed up to the Local Plan mailing list on GovDelivery.

11.2. Further communication will take place in the run up to Cabinet and Council as well as for the Pre-Submission Plan.

## **12.0 Appendices and background papers**

12.1 **Appendix 1:** Local Plan project plan

12.2 **Background Papers:** all published material regarding the Local Plan is relevant in terms of the discussion to an extent. This is all available on the Council's website at [www.havant.gov.uk/loclaplan](http://www.havant.gov.uk/loclaplan).

Agreed and signed off by:

<b>Monitoring Officer:</b>	<b>3<sup>rd</sup> December 2018</b>
<b>S151 Officer:</b>	<b>6<sup>th</sup> December 2018</b>
<b>Head of Service:</b>	<b>3<sup>rd</sup> December 2018</b>
<b>Portfolio Holder:</b>	<b>6<sup>th</sup> December 2018</b>

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