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NON-EXEMPT

# HAVANT BOROUGH COUNCIL

23 October 2020

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## Decision by Cllr Gary Hughes

Cabinet Lead for: Planning, Hayling Seafront Strategy and Commercial Services

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### HAVANT BOROUGH LOCAL PLAN: CHANGES TO THE PRE-SUBMISSION LOCAL PLAN (FURTHER CHANGES SUBSEQUENT TO FULL COUNCIL DECISION)

Key Decision: Yes

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#### 1. Purpose

- 1.1. This paper is submitted to the Cabinet Lead Cabinet for a policy decision to approve further changes to the Havant Borough Local Plan, in addition to those agreed by the Full Council on 9 September 2020. These are required to reflect changes made to the Use Class Order made by Government.

#### 2. Recommendation

- 2.1. The Cabinet Lead is required to:
- a) Approve the publication of the changes to the Havant Borough Local Plan which are proposed in addition to those agreed by the Full Council on 9 September (Appendix A);
  - b) Agree that recommendations ii, iii, v, vii, ix, x and xi of the decision made by Full Council on 9 September 2020 apply to the changes proposed by a) above; and
  - c) Notes the publication of the addendum to the Sustainability Appraisal specific to the changes proposed by a) above.

#### 3. Executive Summary

- 3.1. On 9 September 2020, The Full Council approved changes to the Pre-Submission Havant Local Plan.
- 3.2. Following the Cabinet's consideration of the matter on 1 July, The Government published changes to the planning system, in particular the Town and Country

Planning (Use Classes) (Amendment) (England) Regulations 2020. This comes into force on the 1 September 2020 significantly amend The Town and Country Planning (Use Classes) Order 1987 (as amended). These amendments necessitate changes to the text of the Local Plan where use classes are referred to, focussed on town centre policies.

- 3.3. It was highlighted in paragraph 3.7 of the Full Council report that for reasons of pragmatism, it was proposed that such changes are undertaken through agreement with the Cabinet Lead under recommendation iv of the Full Council recommendations prior to the start of the consultation.
- 3.4. It was also specifically highlighted that those changes would retain the overall approach of the Pre-Submission Local Plan which was agreed on 30 January 2019, within the scope of the Government's changes to the Use Class Order.
- 3.5. Officers have prepared those changes and they are set out in Appendix 1 of this report. These are focussed on town centre policies although also include:
  - Changes to the Protection of Employment Land policy (C1) to reflect the same amendments to use classes; and
  - Changes which have been agreed at an officer level with Portsmouth City Council to highlight the low surplus of housing supply over housing need and that consequently Havant is unable to meet unmet need from Portsmouth City.
- 3.6. This report seeks the Cabinet Lead's approval of these changes. Following any approval, these would be folded into the changes authorised by the Full Council. That way, the consultation would be comprehensive and simple, covering the changes authorised by both decisions.

#### **4. Additional Budgetary Implications**

- 4.1. There are no additional budgetary implications as a result of this decision.
- 4.2. As the changes would be folded into those authorised by the Full Council and included in the same consultation and subsequent examination, there would be no additional direct costs incurred. Budgetary implications of the Full Council decision are set out in paragraph 7.1 of that report.

#### **5. Background and relationship to Corporate Strategy and/or Business Plans**

- 5.1. The production of the Havant Borough Local Plan is a key part of the Borough's wider agenda related to regeneration which is a dominant theme in the corporate strategy. It is specifically highlighted in theme 1.
- 5.2. This delegated report specifically links to the Full Council decision on 9 September 2020, specifically recommendation iv which sets out that the Full

Council “Delegates authority to the Planning Policy Manager<sup>2</sup>, in consultation with the Cabinet Lead for Planning, Regeneration and Communities<sup>2</sup> to make any necessary additional changes to the Havant Borough Local Plan prior to the start of the consultation” (the ‘2’ refers to a footnote that states “or successor in similar or equivalent role”).

- 5.3. The footnotes in this recommendation refer to “Or successor in similar or equivalent role”. As such, whilst the Cabinet Lead’s title has changed, it remains the relevant Cabinet Lead related to the production of the Local Plan.
- 5.4. Officers have also assessed the proposed additional changes in terms of the three statutory assessments:
  - Sustainability Appraisal
  - Habitats Regulations Assessment
  - Integrated Impact Assessment
- 5.5. An addendum to the Sustainability Appraisal is attached for noting under recommendation c. All of the proposed changes to the policies were considered in terms of the other two statutory assessments. It was concluded that they would not change any of the content of those assessments. As such, following approval of the changes, the date of these reports will simply be updated to October 2020.

## **6. Options considered**

- 6.1. The only alternative option is to let the Inspector make the recommendations through the Local Plan’s examination process. This is essentially a ‘do nothing’ approach. This is considered a weaker approach for a number of reasons:
  - It would mean that the examination could be longer as there would invariably need to be consultation on the changes
  - It means that the Council loses the ability to control more fully what these changes say
  - It would result in a modest direct cost as the Inspector would need to consider the matter and the Council needs to cover the cost of this.
- 6.2. Making these changes now also represents a simply more logical approach given that Government have announced these changes and they have come into force. It would not paint the Council in a positive light to submit a local plan to the Secretary of State referring to use classes that no longer exist.

## **7. Resource Implications**

- 7.1. Financial Implications: there are not considered to be any direct or indirect financial obligations as a result of this decision. The changes made to the Local Plan through this decision will be folded into those made through the Full Council

decision on September 9 2020. As such, there will be one process for consultation and remaining steps moving forwards. There were minor indirect costs in terms of staff time needed to understand the scope of the changes and to make them to documents as well as update statutory assessments.

**Section 151 Officer comments**

Date: 19 October 2020

*No comments.*

- 7.2. Human Resources Implications: there are no human resource implications of this decision.
- 7.3. Information Governance Implications: there are no information governance implications of this decision.
- 7.4. Other resource implications: there are no other resource implications of this decision.

**8. Legal Implications**

- 8.1. The preparation of a Local Plan is governed by the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 8.2. The changes identified are, in the most part, necessitated by Government bringing into force changes to the planning system in particular the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which comes into force on the 1 September 2020 significantly amend The Town and Country Planning (Use Classes) Order 1987 (as amended). These amendments necessitate changes to the text of the Local Plan where use classes are referred to, focussed on town centre policies.

**Monitoring Officer comments**

Date: 16 October 2020

*No further comments to the legal implications comments above.*

**9. Risks**

- 9.1. The principle alternative is to ‘do nothing’ and let the Inspector consider the changes that would need to be made to the Local Plan. This creates risk in terms of:
- Reputational damage – submitting a local plan to Government using use classes that no longer exist would not reflect positively on the Council as a Local Planning Authority
  - Cost – the Inspector having to make such changes through an examination would lead to a modest cost for the Council
- 9.2. There is a risk of challenge that such changes should have been considered by the Full Council. This risk is considered small and very much defensible. The Full Council report highlighted that these changes would be made in this way (paragraph 3.7). Furthermore, such changes are simply required by the fact that Government have changed the Use Class Order. They are considered to retain, as far as is possible within the scope of the changes that Government have brought in, the strategy previously agreed by the Full Council on 30 January 2019.

**10. Consultation**

- 10.1. Consultation would take place on the changes as authorised through this decision, combined with that of the Full Council on 9 September 2020.

**11. Communication**

- 11.1. As part of the consultation set out above, material will be prepared so that stakeholders and residents are able to respond to the consultation and make their views known.

**12. Appendices**

- 12.1. Appendix 1: Pre-Submission Havant Borough Local Plan showing proposed changes

12.2. Appendix 2: addendum to the Sustainability Appraisal

**13. Background papers**

13.1. Papers for the Full Council on 9 September 2020

(<https://havant.moderngov.co.uk/ieListDocuments.aspx?CId=126&MId=11210&Ver=4>)

13.2. Statutory assessments (Sustainability Appraisal, Habitats Regulations Assessment, Integrated Impact Assessment)

(<https://www.havant.gov.uk/localplan/regulatory-requirements>)

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**Agreed:** Cllr Gary Hughes Cabinet Lead for Planning, Hayling Seafront Strategy and Commercial Services.

**Date** 22 October 2020

(The decision is subject to the usual 'call-in' process and, if not called in by the Scrutiny Board, will be effective from 4pm on the fifth day after the date of publication, ie 30 October 2020)

Director: 19 October 2020

Monitoring Officer: 16 October 2020

Section 151 Officer: 19 October 2020

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