

COUNCIL

DATE OF MEETING: 30 APRIL 2020

TITLE OF REPORT: ADOPTION OF THE HART LOCAL PLAN
(STRATEGY & SITES) 2032

Report of: Head of Place

Cabinet member: Councillor Graham Cockarill, Place

1 PURPOSE OF REPORT

- 1.1 To adopt the Hart Local Plan (Strategy & Sites) 2032 in line with the Inspector's recommendations (including the Inspector's Main Modifications).

2 RECOMMENDATIONS

- A. Adopt the Hart Local Plan (Strategy & Sites) 2032 [Proposed Submission Version incorporating the Inspector's recommended Main Modifications attached at Appendix 1];
- B. Agree the content of the Sustainability Appraisal Adoption Statement at Appendix 2;
- C. Adopt a new Policies Map for Hart that incorporates the Policies Map changes associated with adoption of the Hart Local Plan 2032;
- D. Authorise the Head of Place in consultation with the Portfolio Holder for Place to make minor alterations and corrections to the Local Plan and the updated Policies Map.

3 BACKGROUND

- 3.1 The Local Plan¹ was submitted for examination in June 2018. The Secretary of State appointed Mr Manning (Planning Inspector) to undertake the examination. The examination hearings took place late in 2018.
- 3.2 The purpose of the examination is to determine whether the Local Plan is sound, judged against the soundness tests in the National Planning Policy Framework (NPPF), and whether it meets legal requirements including the Duty to Cooperate. These tests are set out at Appendix 3. Although the Plan was submitted after the NPPF 2018 was published, it was examined against the previous NPPF 2012 under transitional arrangements.

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https://www.hart.gov.uk/sites/default/files/4_The_Council/Policies_and_published_documents/Planning_policy/Local_Plan/CDI%20Hart%20Proposed%20Submission%20Local%20Plan%202016%20-%202032.pdf

- 3.3 After the hearings the Council formally requested that the Inspector recommend any Modifications that he considered were necessary to make the Plan sound and legally compliant. This is a routine part of the process.
- 3.4 The Council then prepared a schedule of Proposed Main Modifications that were agreed with the Inspector and published for consultation in July 2019. Alongside the Main Modifications the Council published:
- A Sustainability Appraisal Addendum which appraised the Proposed Main Modifications against the established Sustainability Appraisal Framework and
 - Written confirmation that no further work on Habitat Regulations Assessment was necessary.
- 3.5 The Inspector's Report was received in February 2020 and is attached at Appendix I.
- 3.6 Cabinet considered the Inspector's Report on 5th March 2020 and recommends that Council agrees to all the recommendations A to D set out at paragraph 2.1 above.

4 CONSIDERATIONS

- 4.1 The Inspector concluded that the Hart Local Plan 2032 with to the incorporation of all of the Main Modifications would be sound and capable of adoption. The 'headline' Main Modifications are set out at Appendix 4.
- 4.2 The Council now has a simple binary choice. It can either:
- a) Accept the Inspectors recommendations/modifications (in their entirety) and so proceed to adopt the Plan, or
 - b) It can choose not to accept the Inspector's recommendations and so not adopt the Plan.
- 4.3 The recommendation is that the Plan is adopted incorporating all of the Main Modifications. To not adopt the Plan would leave the Council without an up to date Local Plan, and vulnerable to planning by appeal. There is also the risk that the Government may seek to intervene in the Plan making process as they have done in another Council in the South East.

Saved policies

- 4.4 Upon adoption of the Plan a number of saved policies in the Hart District Local Plan (Replacement) 1996-2006, and the First Alterations to that Plan, will be superseded. Those policies are listed at Appendix 5 of this report.
- 4.5 It is also the case that upon adoption of the Plan a number of saved policies (listed at Appendix 6) *will remain in place* as part of the overall development plan. These will be replaced through a separate Development Management Development Plan Document or the next Local Plan.

Policies Map

- 4.6 The Policies Map is a graphical representation of the Council's planning policies. If the Plan is adopted the Policies Map must be updated in order to comply with the legislation and give effect to the Plan's policies.
- 4.7 The Inspector states at paragraph 8 of his report that the Council needs to update its Policies Map to include all the changes proposed in EXAM2 to EXAM45 (i.e. the updated Policies Map as submitted to the examination) and the further changes published alongside the Proposed Main Modifications in July 2019.
- 4.8 The Maps EXAM2 to EXAM45, and the Further Changes to the Policies Map that must be made, are available at <https://www.hart.gov.uk/local-plan-examination-library-2018>
- 4.9 Appendix 7 summarises the changes needed to the adopted Policies Map upon adoption of the Hart Local Plan 2032.

Minor changes and desktop publishing

- 4.10 The Council is able to make minor modifications to the Plan and to the Policies Map, for example for clarity, to make corrections, or address presentational issues, provided they do not materially affect the content or meaning of the Plan. An example of this will be the need to re-number the 'NBE' policies following the deletion of Policy NBE2.
- 4.11 It is proposed that authority be delegated to the Head of Place in consultation with the Portfolio Holder for Place to agree any minor changes to the Plan and the Policies Map prior to publication.

5 SUSTAINABILITY APPRAISAL (INCORPORATING STRATEGIC ENVIRONMENTAL ASSESSMENT)

- 5.1 Sustainability Appraisal incorporating Strategic Environmental Assessment (SA/SEA) is an iterative process that has informed the Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve environmental, economic and social objectives.
- 5.2 The final step in the SA process involves preparing a Sustainability Appraisal Adoption Statement at the time of a Local Plan's adoption. The SA Adoption Statements allows stakeholders to see how environmental and sustainability factors have been considered and how consultee views have been taken into account during the preparation of the plan. It also outlines the measures for monitoring the significant environmental effects of implementing the plan. Council is asked to agree to the content of the SA Adoption Statement at Appendix 2.

6 EQUALITIES IMPACT ASSESSMENT

- 6.1 An Equality Impact Assessment (EqIA) was submitted with the Plan for Examination. The Inspector states at paragraph 253 of his report that he has had due regard to the aims expressed in S149(1) of the Equality Act 2010. This included consideration of several matters during the examination including the provision of gypsy and traveller sites, housing for older people, and accessible and adaptable housing.

7 FINANCIAL AND RESOURCE IMPLICATIONS

Is the proposal identified in the Service Plan?	Yes
Is the proposal being funded from current budgets?	Yes
Have staffing resources already been identified and set aside for this proposal?	Yes

- 7.1 There are no significant resource implications arising from a decision to adopt the Hart Local Plan 2032. Following adoption the Plan will be desktop published and published in its final form and the Policies Map updated. This can be delivered within existing budgets. The cost of the examination itself must be paid regardless of whether the Plan is adopted or not.

8 ACTION

- 8.1 Upon adoption:
- a) The Local Plan becomes part of the ‘development plan’ for Hart District. Planning applications must be determined in accordance with the development plan unless material consideration indicate otherwise (the full list of documents within the development plan for Hart is set out at Appendix 8);
 - b) In addition to publishing the Plan, a number of statutory tasks must be completed including publishing an adoption statement (in addition to the SA/SEA adoption statement) and notifying relevant parties of adoption;
 - c) There is a 6-week period when the Plan can be challenged on procedural matters in the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004.
- 8.2 To aid implementation of the new Plan work is underway on Supplementary Planning Documents (SPD) and Technical Advice Notes (TAN) on a range of topics. Work has also started on the Traveller Development Plan Document which is a commitment in the new Plan. Monitoring Reports will be prepared annually.
- 8.3 Local Plans must be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. The Plan refers to various factors that could trigger an early review of the Plan, such as monitoring information, changes in national policy, and duty to cooperate matters including unmet housing need. A review of the Plan will therefore be undertaken within 5 years of adoption, potentially sooner.

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APPENDICES

- Appendix 1 Inspector's Report including Main Modifications
- Appendix 2 Sustainability Appraisal Adoption Statement
- Appendix 3 Soundness and legal tests for local plans
- Appendix 4 Headline Main Modifications
- Appendix 5 Saved policies from Hart District Council Local Plan Replacement and First Alterations 1996 – 2006 that will be superseded by the Local Plan Strategy and Sites.
- Appendix 6 Saved policies from Hart District Council Local Plan Replacement and First Alterations 1996 – 2006 that will remain part of the development plan upon adoption of the Local Plan Strategy and Sites
- Appendix 7 Changes needed to the adopted Policies Map upon adoption of the Hart Local Plan 2032
- Appendix 8 The 'development plan' for Hart District

BACKGROUND PAPERS:

Cabinet 3 January 2018 Paper B Proposed Submission Version of the Hart Local Plan Strategy and Sites 2016-2032 and Minutes

https://www.hart.gov.uk/sites/default/files/4_The_Council/Council_meetings/M_Archive/18%2001%2003%20Jan%20Cab1.pdf

Council 4 January 2018 Agenda and Minutes

https://www.hart.gov.uk/sites/default/files/4_The_Council/Council_meetings/M_Archive/18%2001%20Council%20Jan1.pdf

Cabinet 14 March 2019 Paper A: Examination of the Hart Local Plan: Strategy and Sites and Minutes

https://www.hart.gov.uk/sites/default/files/4_The_Council/Council_meetings/M_Archive/19%2003%2014%20Cabinet.pdf

Cabinet 5 March 2020 Paper F Adoption of the Hart Local Plan (Strategy and Sites) 2032 and draft Minutes of that meeting

<https://www.hart.gov.uk/March-Meetings>