

COUNCIL MEETING – 21ST FEBRUARY 2019

AGENDA ITEM NO. 6 (5)

ADOPTION OF THE RUSHMOOR LOCAL PLAN

A report from the meeting of the Cabinet held on 5th February, 2019

1. INTRODUCTION

- 1.1 This report summarises the recommendations set out in the report of the independent Planning Inspector following the Examination of the Local Plan, which relate to main modifications required for soundness, and seeks approval to recommend to Council the adoption of the Rushmoor Local Plan and associated Policies Map.
- 1.2 Whilst the adoption of the Local Plan is not an executive decision for Cabinet, clearly it is a key decision for the Council as it is very significant in terms of its effects on communities living or working in the whole Borough and for steering development into the future.

2. BACKGROUND

- 2.1 The Rushmoor Local Plan will guide the location, scale and type of future development in Rushmoor Borough up to 2032 and provides detailed development management policies to be used in determining planning applications. The Local Plan will replace the Core Strategy (adopted 2011) and saved policies from the Rushmoor Local Plan Review (adopted in 2000).
- 2.2 The Local Plan was submitted to the Secretary of State on 2 February 2018, together with copies of all representations received during the public consultation on the Plan (which took place between 9 June and 21 July 2017). An independent Planning Inspector was appointed to consider the representations, and all the supporting evidence, and to determine whether the Local Plan was 'sound'. The full definition of 'soundness' is set out in paragraph 182 of the 2012 National Planning Policy Framework (NPPF) and includes the requirement for the Plan to be positively prepared (meets local needs); justified (evidence-based); effective (deliverable) and consistent with national policy. Plans submitted before January 2019 have been examined against the 2012 version of the NPPF rather than the revised NPPF published in July 2018.
- 2.3 The Planning Inspector issued her final report on 14 January 2019. Having considered all the evidence before her, including that presented at the public hearings held on 9, 10, 16 and 18 May 2018, she has concluded that the Local Plan provides an appropriate basis for the planning of the Borough, subject to a series of main modifications. Copies of the

Inspector's report and the main modifications required to make the Plan 'sound' are attached at Appendices A and B to this report.

3. DETAILS OF THE PROPOSAL

Main Modifications

- 3.1 The main modifications all concern matters that were discussed at the examination hearings and all were subject to a six-week public consultation period between 7 September and 19 October 2018. In addition to the main modifications, the Council consulted on a list of minor modifications, which did not go to the soundness of the Plan (e.g. factual corrections and typographical errors), proposed modifications to the Policies Map, and a Sustainability Appraisal Addendum. The Inspector considered all the representations received during the consultation when reaching her conclusions, and two of the main modifications were amended to take account of comments made (*MM4 which updates public health data and MM71 which corrects the definition of secular as it applies in the Heritage at Risk Register*).
- 3.2 The main modifications can be summarised as follows:
- Ensuring the Spatial Strategy is positively prepared (*e.g. MM3 which explains the difference between 'Growth' and 'Step-Up' towns*);
 - Ensuring that the Local Plan reflects up to date evidence for housing supply (*e.g. MM9 which provides updated figures on capacity*);
 - Modifying employment policies so that they are effective (*e.g. MM108 and MM109 which delete criteria already covered under other policies in the Plan*);
 - Amending the Town Centre policies so that they are positively prepared and consistent with national policy (*e.g. MM17 and MM33 which add references to markets*);
 - Modifying housing and local needs policies so that they are effective and consistent with national policy (*e.g. MM100 which removes a requirement for specialist housing proposals to show how they meet local need, since the need has already been established*);
 - Ensuring that the policies for the historic, built and natural environment are positively prepared (*e.g. MM76 which addresses concerns expressed by Historic England*);
 - Modifying the policies for Farnborough Airport so that they are effective (*e.g. MM47 which clarifies the position on monitoring*); and
 - Amending infrastructure and site allocations policies so that they reflect up to date evidence, and are consistent with national policy (*e.g. MM14 which clarifies the Council's position on viability*).
- 3.3 The recommendation of main modifications by an Inspector to make a Plan 'sound' is not unusual in a Local Plan examination and many of the proposed modifications have been put forward by the Council to deal with issues as they arose during the examination process.

Minor Modifications and Policies Map

- 3.4 The Policies Map is a graphical representation of the Council's planning policies. The Council is free to make further minor modifications to the Plan and to the Policies Map up to the point of publication. There are a number of further changes to the Policies Map, which arose during consideration of the representations. These will be incorporated into a new Policies Map, to provide a single graphical representation of the Local Plan Policies.
- 3.5 It is proposed that authority be delegated to the Planning and Economy portfolio holder in conjunction with the Head of Economy, Planning and Strategic Housing, to agree any minor changes to the Plan and the Policies Map prior to publication. This would only include the presentational style of the final version document, including a foreword, photographs and illustrations and any final factual, grammatical and/or typographical errors that have not previously been identified and which would not materially affect the content or meaning of the Plan.
- 3.6 A final draft version of the Local Plan, which incorporates all of the main modifications attached to the Inspector's report, and the minor modifications identified to date can be viewed on the Council's website at <https://www.rushmoor.gov.uk/localplanexamination>. Hard copies of the final draft Policies Map will be available to view at the meeting.

Replacement of Core Strategy and Rushmoor Local Plan Review Policies

- 3.7 The new Local Plan will form the definitive development plan against which all planning applications considered after its adoption will be assessed. Chapter 16 of the Local Plan identifies those saved Rushmoor Local Plan Review (2000) and Core Strategy (2011) policies that will be replaced by the new Local Plan once it is adopted. There have been no changes to this list during the Examination process.

Formal Adoption of Plan

- 3.8 The Local Plan needs to be formally adopted by Council at its meeting on 21st February 2019, and then, as soon as is reasonably practical, it should be made available on the Council's website and at the Council offices along with an Adoption Statement, the Sustainability Appraisal and details of where the documents can be inspected. The Council must also send copies of the Adoption Statement to interested parties and the Secretary of State.
- 3.9 The validity of the Local Plan and its adoption may be challenged in the High Court, within a six-week period from the date of adoption (no later than 4th April 2019), by way of section 113 of the Planning and Compulsory Purchase Act 2004. However, based on the objections which have been put forward to date, and which have all been considered as part of the examination, a legal challenge is not expected.

Five-Year Review

- 3.10 The 2018 NPPF (paragraph 33) requires that policies in local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from adoption, and should take into account changes to national policy and local circumstances, including changes to local housing need.

Alternative Option

- 3.11 The alternative option would be not to recommend the Local Plan for adoption by Council. However, this would conflict with the requirement in the 2018 National Planning Policy Framework (NPPF) for local planning authorities to have an up-to-date and adopted Local Plan. In the absence of such a Plan, the presumption in favour of sustainable development will apply and there is a risk of planning decisions being made on appeal against the wishes of the local community.

Consultation and Duty to Co-operate

- 3.12 Public consultation on the Local Plan has taken place at key stages throughout its development, since its initial conception as a Delivering Development DPD to sit alongside the Core Strategy, including formal six-week public consultations at preferred approach stage in 2015 and pre-submission in 2017. This is set out in the Consultation Statement submitted with the Plan.
- 3.13 In addition, the Council has consulted a range of Duty to Co-operate bodies including neighbouring authorities, infrastructure providers and other statutory bodies, as set out in the Duty to Co-operate Statement submitted with the Plan.
- 3.14 The Inspector concluded in her report that the Duty to Co-operate has been met, with the Council engaging constructively, actively and on an on-going basis in the preparation of the Plan, and that consultation on the Plan and the main modifications was carried out in compliance with the Council's Statement of Community Involvement. The Inspector made particular mention of the steps taken by the Council to involve the Nepali community in the plan-making process.
- 3.15 As set out above, it is proposed that the Planning and Economy portfolio holder, in conjunction with the Head of Economy, Planning and Strategic Housing, be given delegated authority to agree any minor changes to the Local Plan and the Policies Map prior to publication.

4. IMPLICATIONS

Risks

- 4.1 There are not considered to be any risks associated with the implementation of the recommendations of this report. If the Plan is not adopted, the presumption in favour of sustainable development will apply, and there is a risk of planning decisions being made on appeal against the wishes of the local community.

Legal Implications

- 4.2 There are not considered to be any legal implications arising from the decision other than those already identified above.

Financial and Resource Implications

- 4.3 There are not considered to be any financial implications arising from the decision. The cost of the Examination has been included within budgetary provision.

Equalities Impact Implications

- 4.4 An Equality Impact Assessment was submitted with the Plan for Examination. The Inspector has had regard to this and to the Public Sector Equality Duty contained in the Equality Act 2010 in reaching her conclusions and has noted that the policies in the Local Plan will have a generally positive impact, in particular in relation to the protected characteristics of older people, gypsies and travellers and those with disabilities.

5. CONCLUSIONS

- 5.1 The Local Plan has been found 'sound' by an independent Planning Inspector, following an Examination which included four days of public hearings, subject to main modifications which have been consulted upon over a six week period. If the Plan is not adopted by Council, the presumption in favour of sustainable development will apply and there is a risk of planning decisions being made on appeal against the wishes of the local community.

6. RECOMMENDATIONS

- 6.1 Cabinet recommends to the Council that, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, it adopts the Rushmoor Local Plan, and accompanying changes to the Policies Map, as amended by the main modifications identified in the Inspector's Report dated 14 January 2019.

- 6.2 Cabinet recommends to Council that it acknowledge that the Rushmoor Local Plan Review (2000) saved policies, and Core Strategy (2011) policies, as listed in Chapter 16 of the new Local Plan, will be replaced by the new Local Plan policies upon its adoption.
- 6.3 Cabinet recommends to Council that the Head of Economy, Planning and Strategic Housing, in consultation with the Planning and Economy Portfolio Holder, be authorised to agree any further minor changes to the new Local Plan and the Policies Map, prior to publication.

BARBARA HURST
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FOR PLANNING AND ECONOMY

BACKGROUND DOCUMENTS:

Report No PLN1701 considered by [Cabinet on 4 April 2017](#), which approved the publication of the Draft Submission Local Plan for consultation.

Report No EPSH1901 considered by [Cabinet on 5 February 2019](#), which recommended to Council the adoption of the Rushmoor Local Plan and associated changes to the Policies Map.

The background documents that have informed the preparation of the new Local Plan can be viewed via www.rushmoor.gov.uk/newlocalplan.