

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Authorisation of Modifications to the Huntingdonshire Local Plan to 2036
Meeting/Date:	Cabinet – 21st June 2018 Council – 27th June 2018
Executive Portfolio:	Executive Councillor for Growth
Report by:	Planning Service Manager (Policy, Implementation and Strategic Development)
Ward(s) affected:	All

Executive Summary:

The Huntingdonshire Local Plan to 2036: Proposed Submission and its supporting documents were submitted for independent examination to the Secretary of State for Communities and Local Government (via the Planning Inspectorate) on 29 March 2018.

The Secretary of State has appointed Kevin Ward from the Planning Inspectorate to carry out the examination of the Local Plan. His task will be to establish whether the Huntingdonshire Local Plan is 'sound' (see section 5 for further information).

This report proposes a decision-making procedure regarding any future proposed main and additional modifications to the Huntingdonshire Local Plan to 2036 and supplementary documents and evidence that may be required as part of the Local Plan examination process. The procedure would facilitate efficient progress of the plan through the examination period enabling the expedition of decisions regarding the Local Plan during the course of its examination. This is a procedural aspect of the Local Plan process and allows for positive dialogue to be held with the Inspector through the Examination process.

The report recommends that delegated authority to approve proposed modifications and supporting documents to the Huntingdonshire Local Plan to 2036 are undertaken by the Head of Development, Corporate Director (Delivery), Planning Service Manager (Policy, Implementation & Strategic Development), or Planning Policy Team Leader except where changes would be of such significance as to substantially alter the meaning of a policy or allocation. Significant changes would be delegated to the Managing Director and Executive Leader in consultation with the Housing and Planning Portfolio Holder and Chair of the Development Plans Advisory Group.

Recommendations:

Cabinet are recommended to:

- Comment and advise on the decision-making procedure for modifications to the Huntingdonshire Local Plan to 2036, supplementary documents and evidence that may be required as part of the Local Plan examination process.

Members of Full Council are recommended to:

- Agree that the Head of Development can formally write to the Planning Inspector to invite him to recommend any main modifications necessary to the Plan in order for the Inspector to find it legally compliant and sound.
- Endorse the proposed decision-making procedure for main and additional modifications to the Huntingdonshire Local Plan to 2036 as follows:
 - That where changes would be of such significance as to substantially alter the meaning of a policy or allocation in the opinion of the Head of Development (with the benefit of legal advice as appropriate) **proposed main modifications** will be agreed by the Managing Director and Executive Leader, in consultation with the Head of Development, Housing and Planning Portfolio Holder and the Chair of the Development Plans Advisory Group. Significant changes would include, but are not limited to issues regarding objectively assessed housing need, the addition or removal of a site allocation etc. Such matters would generally also be subject to further public consultation.
 - Delegated authority be given to the Head of Development, Corporate Director (Delivery), Planning Service Manager (Policy, Implementation and Strategic Development), Planning Policy Team Leader to undertake appropriate negotiations and make/agree any **other proposed main modifications** to the Huntingdonshire Local Plan to 2036 if it is appropriate and necessary to do so to facilitate efficient progress of the plan through the examination period. Such matters would generally also be subject to further public consultation.
 - Delegated authority be given to the Head of Development, Corporate Director (Delivery), Planning Service Manager (Policy, Implementation & Strategic Development), Planning Policy Team Leader to undertake appropriate negotiations and make/agree **any additional modifications** to the Huntingdonshire Local Plan to 2036 if it is appropriate and necessary to do so to facilitate efficient progress of the plan through the examination period.
 - That the Head of Development, Corporate Director (Delivery), Planning Service Manager (Policy, Implementation & Strategic Development), or Planning Policy Team Leader is authorised to prepare and submit reports, including proofs of evidence, technical papers, matter statements, statements of common ground, sustainability appraisals, a schedule of modifications and other such documents required in the presentation of the Local Plan through the examination process and to take such other steps as are conducive or incidental to the examination of the local plan;

1. PURPOSE OF THE REPORT

- 1.1 This report sets out the options available to the Council in order to progress the Huntingdonshire Local Plan to 2036 through the Local Plan examination stages. The report specifically addresses the decision-making process regarding the agreement of any future proposed modifications to the Local Plan and the production and agreement of supplementary documents and evidence that may normally be required as part of the Local Plan examination process.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 On 13 December 2017 Full Council endorsed the Huntingdonshire Local Plan 2036 and associated documents for consultation, delegated authority for inconsequential changes to the Plan and its subsequent submission to the Secretary of State for Housing, Communities and Local Government.
- 2.2 The Huntingdonshire Local Plan to 2036: Proposed Submission and its supporting documents were submitted for independent examination to the Secretary of State for Housing, Communities and Local Government (via the Planning Inspectorate) on 29 March 2018.
- 2.3 The Secretary of State has appointed Kevin Ward from the Planning Inspectorate to carry out the examination of the Local Plan. His task will be to assess whether the Local Plan has been prepared in line with the relevant legal requirements (including the duty to cooperate) and whether it meets the tests of 'soundness' contained in the National Planning Policy Framework (see section 5 for further information).
- 2.4 At the point of submission the Council produced a schedule of minor corrections providing clarification, updates and addressing typographical errors. This document (CORE/12 in the Council's Core Documents Library) and the submitted Local Plan will be the starting point for the examination.
- 2.5 During the Local Plan examination only the Inspector has the formal power to recommend main modifications to the submitted Plan. **Main modifications** are changes that the Inspector considers are necessary to ensure that the Plan complies with procedural requirements and is sound. For the Inspector to exercise this power, he has to be invited to do so by the Council in accordance with section 20(7C) of the Planning & Compulsory Purchase Act 2004. This report recommends that such an invitation is made, so that if the Inspector does have concerns that could prevent the Plan from being recommended for adoption, he has the power to resolve those concerns by recommending main modifications to overcome them. The Council is therefore asked to authorise the Head of Development to issue such an invitation to the Inspector.
- 2.6 In practice, it is relatively unusual for an Inspector to recommend main modifications without there having been prior discussion of the need for potential or proposed main modifications at the examination. Depending on their nature there may also be a need for consultation with interested persons and sustainability appraisal of the changes before the Inspector is prepared to recommend them as main modifications. Typically, the Council and other interested parties will have the opportunity to put forward suggested changes to the submitted Local Plan in response to the matters and issues identified by the Inspector. This is common practice during Local Plan Examinations. These changes may be required to address matters of soundness or legal compliance – criteria which would be necessary to ensure the adoption of the

Local Plan. In such cases it would prudent that a degree of authority is delegated to each of the Head of Development, Corporate Director (Delivery), Planning Service Manager (Policy, Implementation & Strategic Development), or Planning Policy Team Leader to agree, or negotiate these changes on behalf of the Council as they arise (except where changes would be of such significance as to substantially alter the meaning of a policy or allocation). It is possible that changes to the Plan could be negotiated at short notice and therefore it would be impractical for such changes to be agreed by Full Council and potentially delay the progress of the Local Plan through the examination stage.

- 2.7 Where changes would be of such significance as to substantially alter the meaning of a policy or allocation in the opinion of the Head of Development (with the benefit of legal advice as appropriate) proposed modifications will be agreed by the Managing Director and Executive Leader, in consultation with the Head of Development, Housing and Planning Portfolio Holder and the Chair of the Development Plans Advisory Group. Significant changes would include, but are not limited to issues regarding objectively assessed housing need, the addition or removal of a site allocation etc. Such matters would generally also be subject to further public consultation and sustainability appraisal.
- 2.8 In addition to the question of main modifications (which are formally matters for the Inspector but subject to discussion at the examination as outlined above), the Council prior to adopting the Plan is empowered by section 23(2) and (3) of the Planning & Compulsory Purchase Act 2004 to make other changes known as **additional modifications**, provided only that they do not materially affect the policies in the Plan (either as originally submitted or as it would be if changed only by the Inspector's main modifications). These additional modifications may be to correct minor errors, or to respond to representations made, or to provide updating in relation to any new circumstances that have arisen since the submission Local Plan was prepared, provided that in each case they do not materially affect the policies in the Plan. The Inspector will not formally examine such additional modifications but it is good practice to make him and other Plan participants aware of them (and the reasons for them). Since such additional modifications do not concern matters of legal compliance or soundness, there is generally no need for consultation or sustainability appraisal. Since such additional modifications are concerned with minor matters, this report recommends that the power to make them is delegated to each of the Head of Development, Corporate Director (Delivery), Planning Service Manager (Policy Implementation & Strategic Development), and Planning Policy Team Leader.
- 2.9 At the request of the Inspector, officers may also need to prepare a number of documents including proofs of evidence, technical papers, matter statements, statements of common ground, sustainability appraisals and a schedule of modifications which support the plan. If such a requirement arises it would also be recommended that the authority to 'sign off' these documents on behalf of the Council is delegated to each of the Head of Development, Corporate Director (Delivery), Planning Service Manager (Policy, Implementation & Strategic Development), or Planning Policy Team Leader in order to expedite the examination process and ensure timely adoption of the Local Plan.
- 2.10 Following the examination of the Local Plan and agreement of the aforementioned documents and modifications to the Plan, a further round of public consultation will be held on the main modifications and associated sustainability appraisal at the request

of the Inspector. The responses to this consultation will then be put before the Planning Inspector for consideration. The Inspector will then decide whether any further hearings are necessary, or any issues need to be revisited.

- 2.11 At the end of the examination process the Inspector will present his final conclusion on the Local Plan in the form of a report. If the plan is found 'sound', with any necessary modifications, it can then be formally adopted by the Council through the committee process with final adoption being a matter for full Council.
- 2.12 It should be noted that the timing of the Local Plan hearing sessions and any subsequent examination stages are controlled by the Planning Inspector. Updates on the progress of the Local Plan through its examination will be provided as appropriate. Further information on the Local Plan can also be found at: <http://www.huntingdonshire.gov.uk/planning/new-local-plan-to-2036/>.

3 KEY IMPACTS / RISKS / OPTIONS

- 3.1 The key risk to a Local Plan is that it is found 'unsound' – see details under Legal Implications heading below. Officers will represent the Council at the Local Plan examination and provide further evidence where necessary to justify the soundness and legal compliance of the Huntingdonshire Local Plan to 2036.

4 LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES

- 4.1 The production of the Huntingdonshire Local Plan to 2036 and associated evidence relates to the strategic priority of Delivering Sustainable Growth and specifically two associated strategic objectives.
- 4.2 The first objective under the strategic priority is as follows:

“To improve the supply of new and affordable housing, jobs and community facilities to meet future need.”

Our work programme includes:

- *“ensuring an adequate supply of housing to meet objectively assessed needs;*
- *planning and delivering the provision of decent market and affordable housing for current and future needs;*
- *ensuring that there are the right community facilities to accommodate the housing growth.”*

- 4.3 The relevant key actions for 2017/18 are:
- prepare the submission draft of the Local Plan;
 - facilitate delivery of new housing on the large strategic sites at:
 - St Neots
 - Alconbury Weald
 - maintain a 5 year housing supply position

- 4.4 The second related objective under the strategic priority is as follows:
“Support development of infrastructure to enable growth”
Our work programme includes:

- *influencing the development of the Highways and Transport Infrastructure Strategy; and*
- *facilitating the delivery of infrastructure to support housing growth.*

5 LEGAL IMPLICATIONS

5.1 Paragraph 004 Reference ID: 12-004-20160519 of the Planning Practice Guidance (PPG) highlights that during the examination a planning Inspector will assess whether the Local Plan has been prepared in line with the relevant legal requirements (including the duty to cooperate) and whether it meets the tests of 'soundness' contained in the National Planning Policy Framework.

5.2 Paragraph 182 of the NPPF sets out the test of 'soundness', namely , the plan is:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

6 RESOURCE IMPLICATIONS

6.1 A single Planning Policy earmarked reserve was agreed at the Cabinet meeting of 17 March 2016 enabling money to be drawn down to support production of the evidence base.

7 REASONS FOR THE RECOMMENDED DECISIONS

7.1 To ensure the expeditious running of the examination of the Huntingdonshire Local Plan to 2036 and its timely adoption.

BACKGROUND PAPERS

[Planning and Compulsory Purchase Act 2004](#)

[Huntingdonshire Local Plan to 2036](#)

CORE/12: Local Plan Corrections (in the Council's Core Documents Library)

[Full Council 13 December 2017 - Minutes](#)

APPENDICES:

N/A

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