

OVERVIEW & SCRUTINY

DATE OF MEETING: 19 October 2021

TITLE OF REPORT: **ASSESSMENT TO DETERMINE THE NEED FOR A LOCAL PLAN REVIEW, SHAPLEY HEATH GARDEN COMMUNITY PROJECT, AND SETTLEMENT CAPACITY AND INTENSIFICATION STUDY**

Report of: Joint Chief Executive

Cabinet member: Cllr Graham Cockarill, Place

1 PURPOSE OF REPORT

- 1.1 This report sets out the intent in Spring 2022 to progress with a factual assessment of the current Hart Local Plan (Strategy & Sites) 2032 (the Local Plan) which was adopted in April 2020. The assessment will decide at what point it would be right to consider a review of the Local Plan in line with the latest government guidance on local plan reviews.
- 1.2 The report also addresses the future of the current work associated with the Shapley Heath Garden Community (SHGC).
- 1.3 Finally, it recommends that a comprehensive evidence-based study is commissioned to review the potential capacity within the district's settlements to accommodate future growth. The study will seek to identify regeneration opportunities, the potential for intensification of development, as well review as the scale of brownfield land available to meet any future need for new homes.

2 OFFICER RECOMMENDATION

- 2.1 Committee to forwards any comments to Cabinet

3 BACKGROUND

- 3.1 At Cabinet on 2 September 2021, following discussion on the budget and medium-term financial strategy it was agreed that *'an additional business case should be explored to bring forward a review of the Local Plan. Whilst the business case was being considered, all activity relating to the Garden Community project should in the interim be paused'*
- 3.2 The Local Plan was adopted in April 2020. At the time of adopting the Local Plan it was proposed to produce two further development plan documents:
 - Development Management Policies Development Plan Document (DPD); and
 - Gypsy and Traveller DPD.

4 CONSIDERATION

A. Assessment Review of the Local Plan

- 4.1 The Council must review its local plan every five years, starting from the date of the adoption of the local plan¹.
- 4.2 The need to review local plans at least every 5 years is also reiterated in the 2021 National Planning Policy Framework (NPPF) in paragraphs 31 to 33. This advises that:
- The preparation and review of all policies should be underpinned by relevant and up-to-date evidence;
 - 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 the adoption date of a plan and take into account changing circumstances affecting the area, or any relevant changes in national policy; and
 - Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.
- 4.3 It is important to note that a “*plan does not become out-of-date automatically after 5 years*” and there is a distinction between a review and update. The term ‘review’ means a discrete assessment of whether the adopted local plan needs to be updated. There are three potential outcomes of a review:
- It is decided that no changes are required to the plan and the Council publishes a statement to that effect setting out the reasons for the decision; or
 - It is decided that some changes are required, and work commences on a partial update to the plan; or
 - It is decided that more substantial changes are required, and work commences on a new plan/full update.

Method

- 4.4 There is no prescribed format for a five-year review but Planning Practice Guidance (PPG) provides guidance on how they should be undertaken. The PPG sets out a number of factors to consider to determine whether a plan or policies within a plan should be updated, these include (but are not limited to):
- conformity with national planning policy;
 - changes to local circumstances; such as a change in local housing need;
 - the Housing Delivery Test performance;
 - whether the authority can demonstrate a 5 year supply of deliverable sites for housing;
 - whether issues have arisen that may impact on the deliverability of key site allocations;

¹ (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012)

- appeals performance;
 - success of policies against signals in the Development Plan as set out in the Authority Monitoring Report;
 - the impact of changes to higher tier plans;
 - plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;
 - significant economic changes that may impact on viability.; and
 - whether any new social, environmental or economic priorities may have arisen.
- 4.5 To carry out the assessment the Planning Advisory Service Local Plan *Route Mapper and Toolkit – Review and updating local plan policies*² will be used. This will ensure that the review is carried out in a robust and objective way It will allow the Local Plan to be assessed in a structured format to reveal any inconsistencies or weakness against national planning policy.
- 4.6 In gathering evidence to inform a review, the PPG states that “*Reviews should be proportionate to the issues in hand.*” Evidence from the Authority Monitoring Report, information on planning appeals, a review of relevant Council plans, policies and strategies, the Housing Delivery Test results and technical papers such as the 5-year housing land supply – will be used to inform the review
- 4.7 There are also other broader factors that will contribute to informing whether the Local Plan needs updating such as:
- The review of the Hart Corporate Plan and local ambitions;
 - The Council declaration of a Climate Emergency, with a commitment to becoming a carbon neutral authority by 2035 and a carbon neutral district by 2040;
 - The Environment Bill and the mandatory requirement for biodiversity net gain and local nature recovery strategies through creating a ‘biodiversity duty’ for public sector services;
 - The impact of the Covid-19 pandemic upon the economy and society has prompted re-consideration of how and where people want to work and live; and
 - The anticipated ‘Planning’ Bill that is due to go to Parliament later this year with any updated Government planning policy advice.
- 4.8 The intention is to complete the assessment review by autumn of 2022.

B. Shapley Heath Garden Community (SHGC) Project

- 4.9 Meanwhile, it is intended to conclude the SHGC project. The project has given invaluable insight onto the complexity of the issues that surround the delivery of a potential new settlement. The information gained will now go forward to support any future work that will be undertaken, if after assessment, a new Local Plan is required.
- 4.10 The choice of delivering a new settlement to meet future growth needs will now be evaluated as an integral part of any future Local Plan process. It

² [Local Plan Route Mapper & Toolkit - reviewing and updating local plan policies | Local Government Association](#)

will be assessed against all other growth options, particularly those opportunities arising from regeneration, brownfield development, settlement intensification and proportionate urban extensions. Once future growth targets have been set by the Government, a new Local Plan may come forward for consultation with residents. This would then allow all residents to be engaged in the discussion about what is the best growth option for Hart.

- 4.11 There are, however, several unfinished SHGC technical baseline assessments and surveys that have been commissioned and are currently underway. It is intended that these surveys and technical baseline assessments continue to completion and that they are all published promptly as and when they become available. This exercise should be complete early in the new year. These are:

- a) Community Survey
- b) Base Line Surveys
 - Transport
 - Landscape
 - Agricultural land classification
 - Heritage
 - Flooding, Drainage, and Water Management
 - Utilities
 - Air Quality
 - Noise
 - Contamination
 - Ecology and Biodiversity
 - Woodland, trees, and Hedgerows

In all other respect the SHGC project is concluded and its associated governance arrangements etc. will now cease.

C. Settlement Capacity and Intensification Study

- 4.12 The new housing and communities secretary has recently said that "urban regeneration" and building homes on "neglected brownfield sites" will be a priority for the government. This is a clear sign that the focus on future growth will be directed at seeking to prioritise the opportunity to deliver growth wherever reasonably possible within the settlement areas.
- 4.13 The proposal, therefore, is that the Council should commission a far-ranging and robust study that assesses the opportunity and capacity for the district's settlements to deliver regeneration, brownfield renewal, and general development intensification.
- 4.14 Although the magnitude of the opportunity will differ, a wide range of settlement types can contribute to sustainable development. For example, a previously developed site in a village could provide the opportunity for essential new homes, which could in turn help to sustain nearby local shops and services. It follows that the Study is relevant to rural areas and not just main settlements.
- 4.15 It is important that appraisals should consider as many sources of capacity as possible, no matter how unlikely some sources and locations may at first appear. It is crucial that all previously developed land is brought within the

scope of the study. A misconception has been that only vacant and derelict land should be considered, i.e. the type of site commonly associated with the term 'brownfield'. But this is only one possible source.

- 4.16 An example (but not exclusively) of capacity sources are:
- Subdivision of existing housing
 - Flats over shops
 - Empty homes
 - Previously developed vacant and derelict land and buildings (non-housing)
 - Intensification of development within existing areas
 - Redevelopment of existing housing
 - Redevelopment of car parks
 - Conversion of commercial buildings
 - Review of all existing land use allocations in plans
 - Vacant land not previously developed.

The Study will adopt a 'policy off' approach which means that current planning policy designations will not apply to any initial assessment. This is to avoid missing opportunities for assessment simply because of historic land use designations/constraints in previous plans.

- 4.17 For regeneration opportunities, the Study will concentrate as a priority on those areas where regeneration has been specifically highlighted in an adopted or emerging Neighbourhood Plan. These are the opportunities that have been identified by local communities themselves.
- 4.18 The information gained from such a Study will go forward to support any future work that will be undertaken when a new Local Plan is required. The capacity for intensification of development within the settlements can then be balance against all other growth options

5 NEXT STEPS

5.1 Local Plan Assessment

The assessment does not currently form part of the 2021/22 Service Plan for the Planning Policy team and at this stage that is not necessary. This is because the assessment is not intended to commence until after the Planning Bill has passed through Parliament and once the suitable Government advice has been published which would appear to include a new National Planning Policy Framework (NPPF). The programme of work will however be included in the 2022/23 Service Plan.

5.2 Shapley Heath Garden Community Project

The project itself is concluded but existing baseline studies and surveys will proceed to completion and will be published early in the new year.

5.3 Settlement Capacity and Intensification Study

This Study will comprise a significant project. It is not to be specifically timebound and it will take some time to complete. The programme will be included in the 2022/23 and future Service Plans, but commissioning will start earlier. Commissioning will also be done through a normal procurement exercise.

- 5.4 Following consideration by Overview & Scrutiny on 19th October 2021, this report will also be considered by Cabinet on 4th November 2021.

6.0 FINANCIAL IMPLICATIONS

- 6.1 There are no immediate financial impacts associated with this report. The additional resources required to deliver the Settlement Capacity and Intensification Study will need to be considered and agreed by Cabinet.

7.0 CLIMATE CHANGE IMPLICATIONS

- 7.1 There are no direct carbon/environmental impacts arising from the recommendations, but the proposal will support climate change policy objectives wherever reasonably practicable.

8.0 EQUALITIES IMPACT

- 8.1 There are no direct equalities implications arising from the proposals.

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