

Report to Cabinet

Subject: Local Planning Document – Additional Proposed Housing Allocations and Modifications

Date: 7 September 2017

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Wards Affected

All

Purpose

For Cabinet to approve:

- a) the additional proposed housing allocations to the Local Planning Document Publication Draft be issued for a six week consultation period;
- b) delegation to the Chief Executive in consultation with the Portfolio Holder for Growth and Regeneration to authorise consultation on any Modifications required to the Local Planning Document as a consequence of the examination.

Key Decision

This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.

Background

1. Planning legislation requires Gedling Borough Council to produce a Local Plan. In Gedling Borough, the Local Plan will comprise the Local Plan Part 1: The Gedling Borough Aligned Core Strategy (adopted September 2014) and, on adoption, the Local Plan Part 2: Local Planning Document.
2. Whilst the Gedling Borough Aligned Core Strategy contains the overarching strategic planning policies for Gedling Borough and the aligned authorities of Nottingham City and Broxtowe, the Local Planning Document contains detailed development management policies and site allocations for the Borough to guide development up to 2028.

3. Prior to its adoption, the Local Planning Document was required to go through a number of formal and informal consultation stages. The consultation on the Publication Draft document (which took place 23rd May – 4th July 2016) represented the first formal stage of preparation and followed extensive informal consultation on the 'Issues and Options' document (Autumn 2013); masterplanning reports for Bestwood, Calverton and Ravenshead (Spring 2014); topic based workshop sessions (Winter 2015); and site based workshop sessions for Burton Joyce, Lambley and Woodborough (Spring 2015). All of the consultation responses received as a result of these consultations have been used to inform and shape the Local Planning Document as it has evolved.
4. The Local Planning Document was submitted for examination in October 2016 and hearing sessions took place as follows:-
 - 7 to 9 February 2017;
 - 27 February to 2 March 2017;
 - 21 to 23 March 2017; and
 - 16 May 2017.
5. However, the hearing session on 16th May 2017 was adjourned in order to enable the Council to prepare a statement setting out the evidence in support of the revised housing background paper which considered the five year supply and housing trajectory. The Inspector proposed a further hearing session on 27th June 2017 but on 16th June 2017 the Inspector made it known, via letter (**Background Paper 1**), that she had significant concerns about the soundness of one of the housing allocations in the plan, H8 Killisick Lane. She wanted the hearing to be postponed in order to allow the Council to undertake a public consultation exercise on the amended and/or proposed new housing allocations and on the Council's amended five year supply and housing trajectory for the plan period.
6. However, since this time, the Council considers the concerns regarding the Killisick Lane site have been resolved, further details are set out in paragraph 15 below. The shortfall that now needs to be addressed is as a result of the number of homes that will no longer come forward within the five year period (2017 – 2022) and is primarily due to the delay in the adoption of the Local Planning Document.
7. The current need to allocate additional land for housing and the requirement for a six week consultation process is anticipated to delay the adoption of the Local Planning Document by around six months. This means that those sites within the Green Belt that are proposed to be allocated in the Local Planning Document but do not yet have the benefit of planning permission will take a further six months to deliver completions

and, as such, additional sites now need to be found that can deliver completions within the five year period 2017-2022 in compensation.

8. The shortfall arising from the delay to the adoption of the Local Planning Document is in the region of 180 dwellings and the Housing Background Paper Addendum 2 (September 2017) as attached at **Appendix 1** provides the background evidence confirming this shortfall in the five year housing supply. The new sites proposed for allocation enable this shortfall to be addressed as well as providing a more robust five year land supply (now 5.28 years compared to the figure of 5.01 years at the time of submission). As noted under paragraph 15 below, the H8 Killisick Lane site remains allocated for development.

Consideration of reserve sites

9. The site selection process that informed the preparation of the Local Planning Document was a two stage process that looked at all identified reasonable alternatives in order to determine, firstly, whether a site could be allocated and, secondly, whether a site should be allocated. In order to identify which sites should now be allocated it was necessary to revisit the list of reasonable alternative sites and the conclusions previously reached, as considered in the Site Selection Document Addendum 2 (September 2017) and listed as **Background Paper 2**.
10. Where it had been concluded that a site could not be allocated, this decision has been revisited to assess if clear evidence has subsequently become available to demonstrate that this is no longer the case and the site could be considered for allocation. Where it had been concluded that a site could be allocated but the site was not subsequently allocated, this site has been revisited to determine whether the site should be considered further on the basis of the updated evidence. The Site Selection Document considered 117 reasonable alternative sites where 30 sites were considered suitable for allocation but were then not allocated. For some of these sites there was a clear reason why the site could not be allocated but for other sites the decision was more finely balanced.
11. In terms of the distribution of the additional housing sites it has been concluded that the distribution should continue to accord with Policy 2 of the Aligned Core Strategy. This approach ensures that the new allocations would support the Spatial Strategy and minimise Green Belt release.
12. In allocating additional sites, the total number of dwellings proposed in each location (comprising both existing and additional allocations) should not exceed the “up to” figures set by the Aligned Core Strategy. Consideration has also been given to the level of housing need for each of the “Other villages” as set out in the Local Housing Need document as listed as **Background Paper 3**. It is important to be mindful of the fact that

this document is intended as a guide rather than a precise assessment of need and the availability and suitability of sites is crucial. Account has also been taken of the contribution that a site would make to the Council's five year land supply and sites that would not contribute to the supply have not been considered further at this stage. The sites already allocated in the emerging Local Planning Document meet and exceed the overall housing requirement for the Borough of 7,250 dwellings within the plan period and the need to allocate additional housing sites arises from the lack of Five Year Supply rather than the overall supply for the plan period.

13. In addition, an update has been undertaken of the infrastructure requirements for the sites and is listed as **Background Paper 4** Infrastructure Delivery Plan Addendum September 2017. A review of the risk to delivery of the new proposed housing sites has also been undertaken and is provided in **Background Paper 5** Housing Implementation Strategy September 2017.
14. By taking into account the above factors the proposed additional sites which are been recommended as an amendment to the Local Planning Document Publication Draft and to be issued for a six week consultation period include:
 - X1 Daybrook Laundry – 50 homes
 - X2 West of A60 A – 70 homes
 - X3 West of A60 B – 150 homes
 - X4 Flatts Lane, Calverton – 60 homes
 - X5 Kighill Lane A, Ravenshead – 20 homes
 - X6 Kighill Lane B, Ravenshead – 30 homes
15. Further detail is provided in the amended housing allocations policies which is attached at **Appendix 2**. It should be noted that the H8 Killisick Lane site continues to be allocated for 230 homes. Since the adjournment of the hearings, Ibstock has written to the Council stating that housing development could be delivered concurrently with the mineral extraction to the south of the existing quarry workings. More information is provided in the **Background Paper 2**.
16. In addition, members will appreciate that a number of modifications will be required to the Local Planning Document Publication Draft once the Examination sessions have concluded. These modifications will be required for a variety of reasons, and include:-
 - In order to respond to consultees' comments on the Local Planning Document Publication Draft following the consultation exercise that took place during May/June/July 2016;
 - In order to respond to discussions that took place at the hearing

- sessions;
 - To provide updated information and for clarification; and
 - To correct typographical/grammatical corrections.
17. There is requirement to consult on the modifications which will need to occur following the final examination sessions which will be confirmed by the Inspector in due course.

Sustainability Appraisal

18. The Sustainability Appraisal is a legal requirement of plan preparation, to fulfil the requirements of the Planning and Compulsory Purchase Act 2004, and the requirements of the EU Strategic Environmental Assessment Directive. The report assesses the economic, social and environmental impacts of all of the policies and site allocations contained in the Local Planning Document. A further Appraisal has now been undertaken to assess the impacts of the Local Planning Document Publication Draft as amended by the proposed additional housing sites as detailed in **Appendix 2** and this latest Appraisal is attached as **Appendix 3**. The additional modifications which will be issued post the further examination session on possible additional housing sites will also require a further Sustainability Appraisal.

Habitat Regulations Assessment

19. The European Directive 92/43/EEC – the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) requires that an Appropriate Assessment is made of the effects of land-use plans on sites of European importance for nature conservation. An assessment was undertaken of the Local Planning Document Publication Draft and a further assessment of the proposed additional housing sites has been undertaken and is listed as **Background Paper 6**. The additional modifications which will be issued post the further examination session on possible additional housing sites will also require a further Habitats Regulations Assessment.

Equalities Impact Assessment

20. Under the Equality Act 2010, the Council is required when exercising its functions to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - Foster good relations between people who share a protected characteristic and those who do not.
21. To accord with the Duty, an Equality Impact Assessment was prepared to

accompany the Local Planning Document Publication Draft and resulted in a number of changes to policies to improve their impact on one or more of the protected characteristics. The assessment has now been revisited to consider the impact of the proposed additional housing sites and the addendum to the assessment is listed as **Appendix 4**. The additional modifications which will be issued post the further examination session on possible additional housing sites will also require a further Equalities Impact Assessment.

Health Impact Assessment

22. Consideration was given to whether an update would be required of the Health Impact Assessment but it was viewed that this was not necessary as the original assessment did not appraise the individual housing sites or the housing distribution policy to the Publication Draft of the Local Planning Document.

Proposal

23. It is proposed that Cabinet agrees the proposed additional site allocations to the Local Planning Document Publication Draft to go out for consultation for a minimum of six weeks. Notices will be placed in the local press and on the Borough Council's website and the documents will be made available at deposit points across the Borough including the Civic Centre and local libraries.
24. Any comments received will be forwarded to the Inspector for consideration alongside an officer response which has been requested by the Inspector. Once the Inspector has received the responses she will confirm the details for the further hearing sessions. When concluded, the Inspector in consultation with the Council will confirm the modifications that will be needed to make the Plan sound which will also be subject of a six week consultation. These responses will be forwarded onto the Inspector and when reviewed the Inspector will be able to issue a report that will declare the Local Planning Document sound or unsound. If sound, the Borough Council can adopt the document. If unsound, the Inspector may recommend further modifications to the Local Planning Document. The decision whether to adopt the Local Planning Document will be made by Council.
25. It is proposed that delegation arrangements be agreed to enable any minor typographical changes to be made to the consultation documents prior to the start of the consultation period. In addition it is proposed that delegation arrangements be put in place to allow consultation on the modifications to the Local Planning Document Publication Draft as a consequence of the examination process following their consideration by the inspector in advance of final approval by Cabinet and Council.

Alternative Options

26. The preparation of a Local Plan is a statutory obligation and Gedling Borough Council must fulfil its obligations in this regard or risk future planning applications being determined in accordance with the National Planning Policy Framework and its default presumption in favour of sustainable development. One alternative option is not to agree to either the proposed additional housing sites or allow the modifications to be issued for consultation but to agree alternative modifications. The proposed additional housing sites for consultation have been recommended in order to respond to comments raised by the Inspector who has a concern over the soundness of the Plan as it currently stands and there is a risk that it would result in an unsound plan which cannot be adopted. In addition, modifications will be required to respond to the comments raised by the Inspector, organisations and individuals in order to address objections which would not otherwise be addressed if alternative modifications were proposed.
27. The option of not issuing the proposed additional housing sites and subsequent modifications for consultation would leave the Borough Council without up-to-date planning policy. This would result in there being a policy vacuum as the adopted Local Plan policies become increasingly out of date and the policy of the National Planning Policy Framework that permission should be granted if relevant policies are out-of-date would apply. In addition, there would also be no improvement in the Council's five year land supply as additional sites would not be allocated for housing development to meet the Council's objectively assessed housing need as set out in the Aligned Core Strategy. Without the Local Planning Document in place the Borough Council would be unable to provide certainty for investors, co-ordinate the delivery of infrastructure, or seek funding to support infrastructure and growth. This would harm the Borough Council's ability to deliver on its strategic objectives by delaying the delivery of new homes, holding back economic growth, and stalling regeneration.

Financial Implications

28. The preparation and consultation of the Local Planning Document is part of the statutory planning process. The costs of this activity will be met from existing resources identified for this purpose.
29. The further the Local Planning Document progresses, the greater the weight that can be attached to it when used for Development Management

purposes. It should, therefore, reduce the risk and cost of appeals concerning planning applications that have been considered and refused planning permission by the Borough Council. In addition, moving closer to the adoption of the Local Planning Document will provide a better basis for co-ordinating the necessary contributions to infrastructure and services to be required through S106 agreements and the Community Infrastructure Levy.

Appendices

Appendix 1 – Housing Background Paper Addendum 2 (September 2017)

Appendix 2 – Amended housing allocation policies (September 2017)

Appendix 3 – Sustainability Appraisal Publication Draft Addendum 4
(September 2017)

Appendix 4 - Addendum to Equalities Impact Assessment – Local Planning
Document: Additional Housing Allocations (September 2017)

Background Papers

1. Inspector's letter, 16th June 2017
2. Site Selection Document Addendum 2 (September 2017)
3. Local Housing Need (May 2016)
4. Infrastructure Delivery Plan Addendum (September 2017)
5. Housing Implementation Strategy (September 2017)
6. Addendum to Habitat Regulations Assessment - Local Planning
Document: Additional Housing Allocations (September 2017)

Recommendations

That Cabinet:

1. approves the Housing Background Paper Addendum 2 (September 2017)
at Appendix 1 to this report and requested by the Inspector in her letter of

16th June 2017, to go out for a six week consultation period together with the amended housing allocations policies at Appendix 2 and the Sustainability Appraisal Publication Draft Addendum 4 at Appendix 3;

2. authorises the Chief Executive in consultation with the Portfolio Holder for Growth and Regeneration to make any minor changes such as typographical, formatting or changes to imagery necessary to the modifications at Appendix 1, Appendix 2 and Appendix 3 prior to the consultation commencing; and
3. authorises the Chief Executive, in consultation with the Portfolio Holder for Growth and Regeneration to consider and approve consultation on any modifications to the Local Planning Document Publication Draft as a consequence of the examination process, following their consideration by the Inspector and in advance of final approval by Cabinet and Council.

Reasons for Recommendations

- 1 The production of the Local Planning Document is a statutory requirement for the Borough Council. It is a key planning policy document that, in conjunction with the Aligned Core Strategy, will set long-term planning policy and assist the delivery of the authority's pro-growth agenda.
- 2 To avoid the Executive having to approve drafting or other minor editing changes.
- 3 To enable swift and efficient decision making in relation to any modifications to be issued for consultation before final Council approval.