

SUBJECT	Approval of the Publication version of the Chiltern and South Bucks Local Plan 2036
RELEVANT MEMBER	Councillor Peter Martin, Portfolio Holder for Planning and Economic Development
RESPONSIBLE OFFICER	Mark Jaggard, Head of Planning and Economic Development
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WARD/S AFFECTED	All

1. Purpose of Report

- 1.1. This report requests Council to approve the publication of the Chiltern and South Bucks Local Plan 2036 for a six-week public consultation on whether it is 'sound' (i.e. fit for purpose) and complies with the legislation governing the preparation of local development plans.
- 1.2. This is intended to be the final iteration of the Local Plan before its submission to the Secretary of State for Housing, Communities and Local Government for independent examination. The Plan has been prepared using the outputs from previous rounds of consultation, a range of background evidence work and input from the Portfolio Holders for Planning and Economic Development and the Joint Planning Policy Member Reference Group.
- 1.3. This report was considered by the Joint Committee on 1 May 2019 and the Joint Overview and Scrutiny Committee on 29 April 2019. A Schedule of Proposed Changes following these meetings will be published on 10 May 2019.

RECOMMENDATIONS

That Full Council agree that:

1. **Subject to the finalisation of the Sustainability Appraisal report, the Habitats Regulations Assessment and the Exceptional Circumstances report, the Publication version of the Chiltern and South Bucks Local Plan 2036 is published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).**
2. **Subject to the finalisation of the Sustainability Appraisal report, the Habitats Regulations Assessment and the Exceptional Circumstances report, the Publication version of the Chiltern and South Bucks Local Plan 2036 is submitted to the Secretary of State for Housing, Communities and Local Government under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)**

- 3. Authority be delegated to the Head of Planning and Economic Development to request that the Planning Inspectorate recommends main modifications where necessary to make the Local Plan sound.**
- 4. Authority be delegated to the Head of Planning and Economic Development, in consultation with the Portfolio Holders for Planning and Economic Development, to make minor changes and corrections to the Publication version of the Chiltern and South Bucks Local Plan 2036 prior to publication.**
- 5. Authority be delegated to the Head of Planning and Economic Development, in consultation with the Portfolio Holders for Planning and Economic Development, to produce a schedule of minor amendments to the Publication version of the Chiltern and South Bucks Local Plan 2036 in the light of the responses to the public consultation and prior to its submission for examination, and to submit this list with the Plan.**
- 6. Authority be delegated to the Head of Planning and Economic Development, in consultation with the Portfolio Holders for Planning and Economic Development, to suggest to the examination Planning Inspector during the public examination process any necessary modifications to the Publication version of the Chiltern and South Bucks Local Plan 2036 to secure its soundness, in accordance with the findings of the examination Planning Inspector and subject to any necessary public consultation.**
- 7. The Publication version of the Chiltern and South Bucks Local Plan 2036 be endorsed as a material consideration in the determination of planning applications.**
- 8. Authority be delegated to the Head of Planning and Economic Development, in consultation with the Portfolio Holders for Planning and Economic Development, to deal with and sign Statements of Common Ground and Memorandums of Understanding under the Duty to Cooperate.**
- 9. If there were any significant delays to the draft Local Plan timetable as set out in the Local Development Scheme, the draft Local Plan should be brought back to the Joint Overview and Scrutiny Committee for consideration.**

2. Executive Summary

- 2.1. This report requests that Council approve the Publication version of the Chiltern and South Bucks Local Plan 2036 for a six-week public consultation on whether it is 'sound' (i.e. fit for purpose) and complies with the legislation governing the preparation of local development plans. It is proposed that this would be carried

out in conjunction with the consultation on the Chiltern and South Bucks Community Infrastructure Levy Draft Charging Schedule.

- 2.2. This is the final iteration of the Local Plan, subject to any Council amendments, before its submission to the Secretary of State for Housing, Communities and Local Government for independent examination. The Plan has been prepared using the outputs from previous rounds of consultation, an evidence base and input from the Portfolio Holders for Planning and Economic Development and the Joint Planning Policy Member Reference Group.
- 2.3. The Plan provides the Councils with an opportunity to shape and control the pattern of future growth of their areas, to plan for economic prosperity and to provide the homes for future generations to live in.

3. Reasons for Recommendations

- 3.1. It is a legal requirement to publish a draft local plan before it is submitted to the Secretary of State for examination (recommendations 1 and 2). Both of these actions require a Council resolution.
- 3.2. Whilst modifications to make a local plan sound are commonly identified by examination Planning Inspectors, local planning authorities are obliged to request that these are recommended by the Inspector (recommendation 3).
- 3.3. Recommendation 4 would allow officers to make minor changes to the document before it is published without recourse to further Council approval. In a similar way, recommendation 5 would allow officers to compile a schedule of minor modifications to the Plan in order to address objections made during the Regulation 19 consultation but before it is submitted for examination. Experience indicates that providing officers with the authority to suggest minor changes to the Planning Inspector during the course of the examination is beneficial in terms of efficiency and expediency (recommendation 6).
- 3.4. Finally, recommendation 7 would allow appropriate weight to be afforded to the policies in the Plan in the consideration of planning applications.

4. Content of Report

- 4.1. It is important for the Councils to set out their vision for the two Districts and to establish through the Local Plan the future of the area. The Plan is key to place-shaping, to create the places that we wish for. The Plan includes a range of development management policies and site allocations. It is through the determination of planning applications that the policies in the Plan can be used to influence place-shaping and place-making.

- 4.2. The Plan has been prepared to provide for the needs of our current population plus the needs of future generations, and to deliver healthy well designed places with a strong and vibrant economy, community facilities and cultural attractions, and successful town centres with a range of shops and facilities.
- 4.3. Once it has been adopted, the Local Plan will be the new local development plan for the area covered by Chiltern and South Bucks for the period until 2036. It sets out a vision and development strategy for the future of the area, and includes development management policies and site allocations for various types and sizes of development to help deliver that vision. The Local Plan will replace the existing Core Strategies (both adopted in 2011) and the policies 'saved' from the Local Plans (adopted in 1997 and 1999). It will also provide the strategic context for the preparation and review of neighbourhood plans.
- 4.4. The Publication version of the Local Plan is the intended final iteration of the document before it is submitted to Government for independent examination. It sets out the Councils' preferred strategy for meeting their areas' needs until 2036. The Plan is based on the evidence currently available and has taken account of the previous Issues and Options and Green Belt Preferred Options consultations that were undertaken in 2016 and 2017.
- 4.5. The Government's National Planning Policy Framework (NPPF) (February 2019) states that:

"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings."

- 4.6. Paragraph 16 of the NPPF states that local plans should:

a) be prepared with the objective of contributing to the achievement of sustainable development;

b) be prepared positively, in a way that is aspirational but deliverable;

c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

e) be accessible through the use of digital tools to assist public involvement and policy presentation; and

f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

- 4.7. A 20-year time horizon for the Plan has been chosen to ensure compliance with paragraph 22 of the NPPF (February 2019) which states that strategic policies should look ahead over a minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.
- 4.8. The revised NPPF (February 2019) confirms that local planning authorities should normally use the Government's standard methodology to establish a minimum figure for their Local Housing Need. The minimum Local Housing Need figure for Chiltern in 2018 is 330 homes per year and for South Bucks it is 433 homes per year. These figures result in an overall total of 763 homes needed per year or 15,260 homes over the 20-year Local Plan period of 2016-2036.
- 4.9. Subject to certain caveats, the NPPF states that strategic policies in local plans should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas. The legal advice which has been received indicates that the Local Plan is unlikely to be found 'sound' at examination unless it provides for the Local Housing Need figure of 15,260 homes as a minimum over the Plan period. As no formal requests have been received to meet any unmet housing needs of neighbouring areas, the housing strategy of the Local Plan has been drafted so as to provide for 15,260 homes over the period 2016-2036 plus a 10% buffer to allow for potential non-delivery (16,786 homes in total). The proposed components of the housing supply in the Plan are set out in the table below.

Sources of Housing Supply	Homes
Completions 2016-2018	1,263
Commitments	2,395
HELAA ¹ sites	1,791
Windfall sites ²	450
Site allocations in the Green Belt	5,200
Homes needed from the Vale of Aylesbury Local Plan	5,687 (maximum 5,750)
Total	16,786

¹ Housing and Economic Land Availability Assessment, April 2019

² Sites not specifically identified in a development plan

4.10. Whilst Chiltern and South Bucks are heavily constrained by national and environmental planning designations, Senior Counsel's advice and experience from other authorities' local plan examinations in recent years indicates that, where relevant, a local plan is unlikely to be deemed to be 'sound' by an examination Planning Inspector unless a robust review of Green Belt boundaries has been undertaken. Accordingly, the Green Belt in the Districts has been comprehensively reviewed since 2016, and, having appraised the reasonable alternatives and balanced the Districts' acute development needs with the need to preserve the Green Belt and other constraints, exceptional circumstances justifying the release of 13 Green Belt sites have been demonstrated.

4.11. The principal proposals in the Local Plan are summarised as follows:

- Selected release of 13 sites from the Green Belt for housing or employment development based upon the previously consulted on Preferred Option sites
- 40% target for affordable homes on qualifying sites and a mix of tenures including social rent
- Strategy for delivering 85 Gypsy and traveller pitches over the Plan period
- Suite of revised development management policies including an emphasis on place-making and good design; health and wellbeing; healthy places; promotion of alternatives to the private car; and a 20% target for renewable energy on qualifying sites
- 12 villages currently 'washed over' by the Green Belt to be removed from it in accordance with national planning policy.

5. Consultation

5.1. If the publication of the Local Plan is agreed as recommended, officers propose to commence the public consultation on 'soundness' and legal conformity on Friday 7 June 2019. This would run for six weeks until Friday 19 July 2019.

6. Options

6.1. The recommended option is to approve the Publication version of the Local Plan for a six-week public consultation on 'soundness' and legal compliance.

6.2. The Government's Housing White Paper, *Fixing our broken housing market*, published on 7 February 2017, strengthens the importance of all local authorities in having up to date local plans in place and, since April 2018, there has been a legal requirement for local authorities to complete the review of their local plans within five years from the adoption of the previous plan. To proceed with the Local Plan would thus be in accordance with Government policy and legislation. Furthermore, having a recently adopted local plan in place would provide the area with a re-established five-year housing land supply and a clear strategy for which strictly

limited releases of land in the Green Belt for development would be appropriate. The planning system is plan-led and the best defence against unplanned speculative development is generally to have an up to date local plan in place.

- 6.3. An alternative option would be not to progress the Local Plan but to leave this task to the new Buckinghamshire Unitary Council which will be required to prepare a local plan for the whole of the county within five years of its creation in April 2020. This option is not recommended.

7. Corporate Implications

- 7.1 Financial – Whilst the cost of the Local Plan is principally accounted for by staff time for most of its production, Senior Counsel’s advice, some specialist consultancy services and evidence studies have been required for which additional funds have been obtained from reserves.
- 7.2 Legal – The Local Plan has been prepared in accordance with the amended Town and Country Planning (Local Planning) (England) Regulations 2012. This consultation stage is under Regulation 19 (publication of a local plan) of these regulations and is the final stage in the plan preparation process before it is submitted to the Secretary of State for Housing, Communities and Local Government for a Planning Inspector to be appointed to conduct an independent examination of the Plan. There is a risk that the Plan will be found not to be ‘sound’ or legally compliant through the public examination process. It could also be challenged in the courts. Officers have taken steps, however, to minimise these risks through ensuring, for example, that the policies and proposals in the Plan are based on proportionate evidence and that the legislation governing the preparation of local plans has been complied with.
- 7.3 Sustainability – the overriding aim of the Local Plan is to contribute to the achievement of sustainable development. The Local Plan is supported by a Sustainability Appraisal report which assesses the performance of its policies against a number of sustainability objectives.

8. Links to Council Policy Objectives

The Refreshed Joint Business Plan 2019 – 2020 makes specific reference to the importance of putting in place an up to date Joint Local Plan. The Local Plan will contribute to the achievement of purpose 3 of the Joint Business Plan to “... strive to conserve the environment whilst also promoting sustainable economic growth.”

9. Next Steps

Subject to Full Council approval, officers propose to commence the public consultation on the Local Plan on Friday 7 June 2019 and that this should run for six weeks until Friday 19 July 2019.

Background Papers:	<ul style="list-style-type: none">• Chiltern and South Bucks Local Plan – Initial Consultation (Regulation 18) Incorporating Issues and Options (January 2016) https://www.chiltern.gov.uk/planning/localplan• Chiltern and South Bucks Local Plan Green Belt Preferred Options Consultation (October 2016) https://www.chiltern.gov.uk/planning/localplan• Chiltern and South Bucks Local Plan - Post Preferred Green Belt Options Consultation (November 2017) https://www.chiltern.gov.uk/planning/localplanevidence• Sustainability Appraisal report on the Publication version of the Chiltern and South Bucks Local Plan 2036 (non-technical summary, April 2019)• Habitats Regulations Assessment of the Publication version of the Chiltern and South Bucks Local Plan 2036 (April 2019)
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