

UPDATE ON THE ALLOCATIONS AND DEVELOPMENT MANAGEMENT PLAN (ADMP)

Local Planning and Environment Advisory Committee – 1 July 2014

Report of Chief Planning Officer

Status: For consideration

Also considered by: Cabinet - 17 July 2014

Key Decision: No

Executive Summary:

The Allocations and Development Management Plan (ADMP) supplements the Core Strategy by identifying housing allocations, areas of employment and important areas of open space. The ADMP also sets out new development management policies, which are consistent with the National Planning Policy Framework (NPPF).

The ADMP was examined by the Planning Inspectorate in March 2014 and this report sets out the Inspector's main findings from the examination, of which the most significant were that the 'reserve land' (west of Enterprise Way in Edenbridge) be allocated now for residential development and that the document should be more specific about what redevelopment will be acceptable at Fort Halstead.

The main modifications now need to be subject to six weeks public consultation and this report seeks endorsement of the recommendation to Cabinet to go out to public consultation on these proposed modifications.

Portfolio Holder Cllr. Piper

Contact Officer(s) Hannah Gooden (7178)

Recommendation to Local Planning and Environment Advisory Committee:

It be resolved that the Local Planning and Environment Advisory Committee endorse the recommendation to Cabinet, to agree and consult on the main modifications to the ADMP.

Recommendation to Cabinet

- (a) That the main modifications to the ADMP be agreed and published for consultation (along with the Sustainability Appraisal) during a six week period to be agreed by the Portfolio Holder.
 - (b) That the Portfolio Holder is authorised to agree minor presentational changes and detailed amendments to the consultation document to assist their clarity
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- (c) That the consultation document is published on the Council's website and made available to purchase in hard copy at a price to be agreed by the Portfolio Holder.
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Reason for recommendation:

To allow for the adoption of the ADMP in accordance with the Local Development Scheme.

Introduction and Background

- 1 The Allocations and Development Management Plan (ADMP) was agreed by Full Council for submission for examination by the Planning Inspectorate in February 2013. Since then the ADMP has been:
- published for interested parties to make comments on (between March and May 2013);
 - submitted for examination (in November 2013); and
 - examined through hearings (March 2014).

Whilst the hearings have now closed, the examination remains open until we receive the Inspector's report.

- 2 This report provides an update on the hearings and outlines the proposed 'main modifications' that the Inspector has recommended to make the Plan sound. These modifications will need to be subject to public consultation.

Proposed Main Modifications

- 3 The Inspector wrote to the Council in April setting out proposed 'main modifications' to the ADMP that he considers need to be made to make the Plan sound (see Appendix A) following the hearings. The majority of these modifications are actually relatively minor in scale. The modifications to the ADMP text are contained in the schedule at Appendix B. The modifications have been assessed to consider if they have any implications in relation to the Sustainability Appraisal that accompanied the ADMP, and this assessment is set out in Appendix C.
- 4 The two most significant modifications are the requirement for us to bring forward the allocation of the land west of Enterprise Way in Edenbridge for housing rather than continuing to allocate it as 'reserve land', and to provide greater certainty on the mix and scale of uses in the Policy relating to Fort Halstead.
- 5 The ADMP, as agreed by Full Council in 2013, included a policy that responds to the changes in circumstances at Fort Halstead since the Core Strategy examination, i.e. that DSTL had announced that they would be leaving the site. It requires that any redevelopment allows for the number of jobs accommodated on the site prior to DSTL announcing their departure to be re-provided and sets out policy criteria that will need to be satisfied before other uses, such as residential

development, can be considered. It sought to provide flexibility to determine how the site should be redeveloped closer to DSTL's anticipated 2018 departure.

- 6 The Inspector has suggested that the ADMP should provide more certainty on the nature of the redevelopment of the site particularly with regard to residential development and the hotel. The Inspector has asked the Council to propose amendments to the plan to address this issue. Based on commercially sensitive viability evidence prepared by the landowner and independently appraised by consultants appointed by the Council, the Inspector accepts that significant residential development is needed if the Council's objectives for the site are to be achieved but the plan needs to provide clarity on the level of residential development that should be proposed. As set out in main modification 8 (MM8) at Appendix B, it is proposed that an employment-led redevelopment of the site should include an allocation of up to 450 dwellings. This takes into account the viability evidence, a Sustainability Appraisal and initial assessments of the impact on biodiversity and visual impact. In view of the size of the site and the existing amount of built development, this scale of housing would still leave scope for substantial commercial development as is capable of being accommodated within the Green Belt, AONB and other constraints.
- 7 If the proposed modification on Fort Halstead outlined in this report is agreed by Cabinet, the Inspector will want consider whether the proposed amendment addresses his concerns. If it does then he will instruct us to consult on this and the other 'main modifications' for a period of 6 weeks. Following the end of this consultation, we will need to process and send all comments on the Inspector, who will consider whether he still wishes to recommend the changes. The Inspector will set out his findings on the examination and the modifications in his final report, which we would expect to receive in autumn 2014. The Council would then need to resolve to adopt the Plan as Council policy.
- 8 Following a challenge to the ADMP from the landowner, the Inspector has recommended to the Council that it should allocate the Edenbridge Reserve Land for housing so that it can be developed during the plan period. Whilst not required to meet Core Strategy housing targets, the Inspector's reasoning appears to be that this site will make a valuable contribution towards meeting housing needs in the District. He appears to have found that there is limited harm in releasing this site, given that it is not within the Green Belt or AONB. The Council should have a fuller understanding of the Inspector's reasons for suggesting that the reserve land be allocated now once it receives his report at the close of the consultation.

Solihull Judgement

- 9 Since the end of the examination hearings there has been a high court judgement which could have implications for the adoption of the ADMP.

Gallagher Homes and Lincourt Homes v Solihull BC

- 10 The Inspector has asked us to consider the implications of a recent High Court decision (Gallagher Homes and Lincourt Homes v Solihull BC) that Solihull Council's recently adopted Local Plan (or parts of it) should be quashed on the basis that it was not sound. The High Court decided that this was the case 'because it is not based on a strategy which seeks to meet objectively assessed

development requirements nor is it consistent with the NPPF' and because it had not proven that exceptional circumstances exist to reintroduce undeveloped land into the Green Belt.

- 11 We have sought legal advice (as recommended by the Inspector) from Counsel to support the argument that the ADMP should not be found unsound because of this judgement, as the ADMP does not seek to make an objective assessment of housing need. A verbal update will be provided to committee as the legal advice has not yet been received at the time of drafting this report.

Conclusions

- 12 This report provides an update on recent progress and issues regarding the Allocations and Development Management Plan and recommends public consultation on the main modifications for six weeks.

Other Options Considered and/or Rejected

No other options considered at this stage.

Key Implications

Financial

None – costs of preparing ADMP part of planning policy budget

Legal Implications and Risk Assessment Statement.

Legal advice being sought on implications of Solihull judgement.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	EQIA have been carried out on the preparation of the ADMP. Impacts of proposed main modifications assessed via SA process.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		n/a

Appendices

Appendix A – Inspector’s letter to the Council regarding ‘main modifications’

Appendix B – Schedule of Main Modifications

Appendix C – Sustainability Appraisal assessment of the Main Modifications

Richard Morris
Chief Planning Officer