

**Classification:** Public

**Key Decision:** No

## **Gravesham Borough Council**

**Report to:** Cabinet  
**Date:** 9 September 2019  
**Reporting officer:** Planning Manager (Policy)  
**Subject:** Local Plan Review

### **Purpose and summary of report:**

The following report seeks Cabinet approval of the Local Plan Review, attached at Appendix 2.

The National Planning Policy Framework (2019) sets out that policies within adopted 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. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

### **Recommendations:**

1. Cabinet members are requested to approve the Local Plan Review (Appendix 2) prior to its publication.

## **1. Background**

- 1.1 Paragraph 33 of the National Planning Policy Framework (2019) sets out that policies within adopted 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. Paragraph 33 is also explicit that relevant 'strategic' policies will need updating at least once every five years if their applicable local housing need figure has changed significantly.
- 1.2 Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.
- 1.3 The Borough's Local Plan Core Strategy was adopted by the Council on 30 September 2014. Therefore its review must be completed by 30 September 2019, however no sanctions are set out for not having completed a review within the prescribed timescale.

- 1.4 Since the adoption of the Local Plan Core Strategy officers have been gathering evidence to inform the Local Plan Core Strategy Partial Review and the Site Allocations and Development Management Policies Document. This is primarily because there was an acceptance during the Local Plan Core Strategy examination that Policy CS02 of the Core Strategy would require an immediate review. Due to the age of the saved policies from the Local Plan 1<sup>st</sup> Review (adopted 1994) there is an accepted need to bring forward a new comprehensive set of Development Management policies to aid decision taking by Development Management.

## **2. Local Plan Five Year Review**

- 2.1 Whilst it is a legal requirement to carry out a review, there is no prescribed guidance on how such a review should be carried out in planning legislation, the NPPF or Planning Practice Guidance (PPG). In addition, there is no best practice guidance available from the Local Government Association, the Planning Advisory Service or other Local Planning Authorities which the Council can draw upon to inform the review. The PPG does set out factors that can be taken into account when considering whether policies need updating, these factors include:
- conformity with national planning policy;
  - changes to local circumstances; such as a change in Local Housing Need;
  - their 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;
  - their appeals performance;
  - success of policies against indicators in the Development Plan as set out in their 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.
- 2.2 Officers have taken a pragmatic approach in reviewing the policies against the NPPF (2019) to identify which policies are in need of modification, see Appendix 2. This analysis takes into account whether or not policies conform with the NPPF (2019). In general the bulk of the Borough's policies do, due to the age of the saved policies from the Local Plan 1<sup>st</sup> Review (1994) they are in need of replacement, however they generally conform with the NPPF (2019). Policies from the Local Plan Core Strategy (2014) also generally conform with the NPPF (2019).
- 2.3 The key factors that drive the need to partially review the Local Plan Core Strategy (2014), stem from changes to the Borough's housing need, the Council's performance with regards to the Housing Delivery Test, the inability to demonstrate a five year land supply and the delivery on key site allocations.
- 2.4 The Borough's housing need as set out in the Local Plan Core Strategy is for some 6,170 dwellings between 2011-2028. However, evidence gathered since the adoption of the Core Strategy i.e. the Borough's Strategic Housing and Economic Needs Assessment (SHENA) identifies a need for some 7,905 dwellings between 2011-2028 instead of 6,170 dwellings. The Government's standard method for

calculating housing need, as published in 2018, identified a need for 8,035 dwellings in Gravesham over the same period.

- 2.5 Coupled with this increasing need, there has been insufficient new homes supplied in the Borough against the housing targets set out in the Local Plan Core Strategy (2014). This means that the Borough's Housing Delivery Test Measurement (Feb 2019) was 64%, i.e. only 64% of the homes needed in the Borough were delivered between 2015/16 and 2017/18. Going forward the Council can only identify a housing land supply of 4.39 years, this means that there will be a shortfall in delivery going forward. One of the main causes of insufficient delivery in the past and insufficient delivery going forward has been the performance of key sites allocated in the Local Plan Core Strategy. It has taken significantly longer for sites such as Land north of Coldharbour Road, Northfleet Embankment East (EDC) and Heritage Quarter to come forward. There remains significant uncertainty regarding sites such as Northfleet Embankment West (EDC) and Canal Basin, albeit that the Ebbsfleet Development Corporation are actively working on ensuring Northfleet Embankment West comes forward as soon as is practicable. We also understand from the EDC that the future of Ebbsfleet Central is being crystallised and we will shortly understand how that impacts on the site within Gravesham at Northfleet Rise.
- 2.6 These factors alone mean that the Borough's Local Plan Core Strategy is in need of a partial review and this review is already underway with the first consultation undertaken in 2018 i.e. 'Part 1 Site Allocations: Issues and Options - Regulation 18 Consultation' from April to July. The Council also undertook a 'Part 2: Development Management Policies Document - Regulation 18 Consultation', the main purpose of this document is to provide detailed policies to help determine day to day planning applications. This document will replace saved policies from the Local Plan 1<sup>st</sup> Review (1994) and provide further policy detail which is needed beyond that contained in the Core Strategy and national policy i.e. the National Planning Policy Framework.
- 2.7 Based on the above, the five year review does not raise any new matters that need to be considered. The Council has a program for updating its Local Plan underway and this in itself will ensure that the Council's legal requirements are met.

### **3. Conclusion and Recommendations**

- 5.1 The attached Local Plan Review has been prepared to meet the legal requirements of the Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012. It is therefore recommended that the review be reported to Cabinet for adoption, followed by publication on the Council's website.

### **4. BACKGROUND PAPERS**

- 4.1 Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
<b>Legal</b>	Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012 requires a local planning authority to review its Local Plan Policies within 5 years of adoption.
<b>Finance and Value for Money</b>	Provision is made annually within the revenue budget for contributions to the Planning Policy Reserve, which aims to spread the costs of producing the Local Plan and maintaining planning policy over the period to which it relates.
<b>Risk Assessment</b>	If a Local Planning Authority does not have an up-to-date Local Plan then it is likely that paragraph 11 of the NPPF will be triggered. This provides a “tilted balance” in favour of granting planning permission, unless the proposal causes significant and demonstrable harm. This could represent an opportunity for developers and landowners who are considering a speculative application.
<b>Data Protection Impact Assessment</b>	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>
	<p>a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>? A definition of each type of data can be found on the Information Commissioner’s Office website via the above links.</p>
	<p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A - the answer to question a. is 'No.'</p>
	<p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>.</p>
<b>Equality Impact Assessment</b>	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p>
	<p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No - N/A</p>
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
<b>Corporate Plan</b>	Strategic Objectives 1,2, 3 and 4
<b>Crime and Disorder</b>	There are no Crime and Disorder considerations pertaining to this report.
<b>Digital and website implications</b>	Subject to approval, the Council's website will be updated with the new Local Plan Review outputs.

<b>Safeguarding children and vulnerable adults</b>	There are no "safeguarding children and vulnerable adults" implications pertaining to this report.
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