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MEETING:	Full Council
DATE:	Thursday, 3 January 2019
TIME:	10.30 am
VENUE:	Council Chamber, Barnsley Town Hall

SUPPLEMENTARY AGENDA

- 2a Local Plan Adoption - Clarification Report (*Pages 3 - 12*)
The Executive Director Place will submit a report with minor clarifications to the original report submitted on the adoption of Local Plan.

RECOMMENDED that the Local Plan, including main modifications included within the Inspector's report (at Appendix 2 to the report), together with the additional changes proposed by the Council referred to in paragraph 3.9 of this report, be formally adopted by the Council.

A handwritten signature in black ink that reads 'Diana Terris'.

Diana Terris
Chief Executive

20th December, 2018

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Item 2a

BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

REPORT OF THE EXECUTIVE DIRECTOR PLACE TO COUNCIL ON 3rd JANUARY 2019

ADOPTION OF THE LOCAL PLAN

1. PURPOSE OF REPORT

1.1 The purpose of this report is to seek authority to adopt the Local Plan.

2. RECOMMENDATIONS

2.1 **That the Local Plan and Policies Map, including main modifications included within the Inspector's report, together with the additional changes proposed by the Council referred to in paragraph 3.9 of this report, is formally adopted by the Council.**

3. INTRODUCTION

3.1 The Local Plan, which covers the period 2014 – 2033, was subject to three rounds of consultation (2014 "Consultation Draft", 2015 "Additional Sites Consultation" and 2016 "Publication Version Consultation"). On the 23rd December 2016 the plan, associated documents and supporting evidence base were submitted to the Planning Inspectorate. The planning inspector originally decided to schedule the examination in three stages with hearing sessions taking place in May 2017, July 2017 and then being earmarked for October 2017.

3.2 In August 2017 the Inspector issued her interim findings confirming her provisional views that whilst the Duty to Co-operate had been met, the plan's employment and housing strategies were not aligned. She also found that the plan's approach to the villages was not based on up-to-date evidence and not positively prepared. A number of options were therefore presented with the chosen one being to proceed with the examination and undertake further work to address the soundness issues identified. Pending the completion of that work, the soundness of the employment and housing site allocations proposed as part of the submitted plan were considered at the Stage 3 hearings in October and December 2017.

3.3 In between these hearings a report was approved at Cabinet on 15/11/17 (Cab.15.11.2017/6) and Full Council on 23/11/17 that included the following recommendation:

- *That, subject to the outcome of the Sustainability Appraisal, the total number of jobs provided for during the Local Plan period be modified to approximately 28,840, including around 16,920 net additional jobs;*

- *That, subject to the outcome of the Sustainability Appraisal, the objectively assessed housing need figure be a maximum of 1,134 dwellings per year.*
- *That for the remainder of the examination, authority be delegated to the Head of Planning and Building Control, in consultation with the Cabinet Spokesperson for Place, to agree to main modifications and associated consultation, including those requested by the Inspector at stages 1 and 2 of the examination, any further main modifications arising following the stage 3 hearings and in response to the Inspector's Interim Findings. This will include additional site allocations, changes to existing site allocations if required and any further changes to the figures in recommendations 2.2 and 2.3 if requested by the Inspector;*
- *That, subject to the Inspector agreeing, consultation on modifications to the plan, including any additional site allocations, begins in January 2018 for a period of 6 weeks;*

3.4 Public consultation on the additional evidence produced to justify the revision to the employment and housing land requirement, as well as potential additional housing sites and safeguarded land (primarily in the larger villages) ran from 29 January to 12 March 2018. Following this, a final round of hearings took place in April 2018, after which the Inspector confirmed that, subject to necessary main modifications, "the plan is likely to be capable of being found legally compliant and sound". Consultation on these main modifications and map changes, as well as the omission of sites identified for housing and safeguarded land during the Examination Consultation, took place from 13th July to 28th August 2018.

3.5 On Friday 14th December 2018 the final Inspector's Report was received.

3.6 Save for the Inspector not agreeing to include all of the additional housing and safeguarded land that was included in the January-March 2018 consultation, the changes approved by Full Council in November 2017 are incorporated into the Adoption version of the plan, together with the recommended main modifications set out in the Appendix to the Inspector's report and the Additional Changes referred to in paragraph 3.9 below.

3.7 Taking into account all of the above, the key changes proposed to the Local Plan since submission to the Planning Inspectorate have been summarised by the Inspector as:

- Decreasing the jobs target from 33,000 to 28,840 and the employment land requirement from 307 hectares to 297 hectares;
- Increasing the 2014 – 2033 housing requirement from 20,900 to 21,546 dwellings or 1134 dwellings per year;
- Including villages in the list of locations where new development will be located;
- Deleting site RSV1 from the plan;
- Deleting site UB16 for employment and allocating it for housing;

- Allocating twelve additional sites for housing development and identifying one additional area for safeguarded land;
- Clarifications and updates to employment, housing and mixed use site policies;
- Updating the housing trajectory to take account of additional allocations, deletions, planning permissions and completions; and
- Revisions to the wording of development management policies for consistency with national guidance, positive preparation and to reflect updated evidence.

3.8 These modifications, along with the others contained in the appendix to the Inspector's report, result in the plan now proposing 21,546 homes and 297 ha of employment land. To achieve this and to ensure Green Belt boundaries are capable of enduring beyond the plan period, 654 ha of land is proposed to be released from the Green Belt. In percentage terms, this equates to a reduction of the percentage of the borough within the Green Belt of approximately 2.2% (from around 77.2% to around 75%).

3.9 Alongside these main modifications, a number of 'Additional Changes' to the text of the Local Plan to provide minor updates and clarification have been made. A document titled 'MC4 Schedule of Proposed Additional Changes', which although did not formally form part of the modifications consultation, was provided for completeness. This document is provided for Members as appendix 3. In preparing the adoption version of the Local Plan further minor changes such as typographical errors and re-referencing of sites so the numbers are sequential, have also been made. These further additional changes are listed in appendix 4. Appendix 7 shows the changes to the reference numbers. Changes to the Policies Map arising from main modifications and additional changes are set out in two documents. The links to these are provided to Members in the Background Papers section of this report at paragraph 21.1.

3.10 Members have been supplied with:

- A copy of the Inspector's Report which is attached as Appendix 1 to this Report
- A copy of the Schedule of Main Modifications from the Inspector, attached as Appendix 2 to this report
- A copy of the Additional Changes document which is provided as as Appendix 3
- A list of further additional changes made by the Council, provided as appendix 4
- The Adoption Version of the Local Plan incorporating the alterations as referred to in paragraph 3.9 above, and Policies Map (appendices 5 and 6).
- The Sustainability Appraisal which is comprised of a suite of documents which can be found here referenced as 'SD4' <https://www.barnsley.gov.uk/services/planning-and-buildings/local-planning-and-development/our-new-local-plan/local-plan-examination-2016-17/local-plan-examination-library/>

4. PROPOSAL AND JUSTIFICATION

- 4.1 The Government expects Local Planning Authorities to have adopted development plans in place so that the planning system is genuinely plan-led. This has been a long-held expectation and is reflected in both the current National Planning Policy Framework and the original 2012 version against which our Local Plan has been examined. This culminated in a written ministerial statement setting a deadline for all Local Planning Authorities to have produced an up-to-date Local Plan by 2017. The implications of not meeting this deadline were that the government would intervene to arrange for the plan to be written.
- 4.2 In the case of Barnsley, because we adopted the Core Strategy in 2011, which covered the period 2008-2026, we were not at risk of designation. However, an up-to-date Local Plan is clearly necessary, not least because the Core Strategy does not include a policies map or land allocations meaning we are relying on maps within the Unitary Development Plan which date back to 2000.
- 4.3 The decision to replace the Core Strategy with a new Local Plan was originally taken in 2014 on the basis that the then Government had abolished Regional Spatial Strategies and introduced the National Planning Policy Framework which in effect required us to revisit the jobs target and housing requirement that were contained within the Core Strategy. In addition, in the period since the Core Strategy was adopted, it had become clear that housing needs could not be met without a review of the Green Belt boundaries.
- 4.4 In practice, the absence of an up-to-date Local Plan means we have a shortage of employment land which is hindering our ability to grow the economy as a result of a lack of choice for businesses either wishing to expand or relocate to the borough. It also results in the absence of a five year housing land supply, which, in accordance with the presumption in favour of sustainable development, means granting permission for speculative housing development unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.5 Whilst the presumption only applies if the development proposed is considered sustainable, it can nonetheless significantly impact on our ability to drive up design standards or secure higher levels of planning gain. This is because, if we are minded to refuse an application, we are required to demonstrate that the adverse impacts *significantly and demonstrably* outweigh the benefits (as opposed to merely outweighing them). Once adopted the Local Plan would ensure a 5 year housing land supply exists, therefore enabling us to exert greater control over the location and quality of residential proposals as well as potentially increasing levels of planning gain and to further enhance sustainability whether that be in respect of securing low carbon technologies (e.g. electric vehicle charging points), promoting active travel and further rolling out broadband.

- 4.6 Aside from the challenges and consequences of not having an up-to-date local plan and the need to replace the Core Strategy there are also a number of other compelling reasons to adopt the plan based on the Inspector's Final Report. Principally, given that the stakes are so high for both landowners that are promoting sites and communities who feel they will be adversely affected by development proposals, the plan has been subject to substantial levels of public engagement and scrutinised in great detail by the planning inspector. Throughout this process it has been accepted that a significant increase in jobs is required within the borough and to help facilitate that large areas of employment land are required in sustainable locations that the market is likely to find attractive. In turn, the need for additional jobs has to align with the identified housing need.
- 4.7 The cumulative impact of this requirement to meet identified housing and employment needs, a constrained land supply and the fact the Green Belt is tightly drawn has led the Inspector to conclude that a review of Green Belt boundaries to meet needs arising in the plan period is unavoidable. Once these boundaries are reviewed, we are then expected to identify areas of safeguarded land to meet needs arising in the years immediately beyond the end of the plan period.
- 4.8 In light of the above, a decision not to adopt the plan would lead to potential challenge from the development industry and land promoters. Moreover, even if such a challenge was dismissed, given the sustainability credentials of the plan and the fact it has been judged to be sound by an independent planning inspector, it is almost inevitable that the plan would be substantially the same as it is now albeit delayed by several more years given the need for further public engagement and another examination.
- 4.9 As demonstrated by the length and complexity of the examination and the challenges other authorities are experiencing adopting up-to-date Local Plans, particularly where Green Belt boundaries are tightly drawn, it is a significant achievement to be in receipt of a report confirming that the plan is capable of being found sound. The proposal is therefore to adopt the plan without delay and to now focus on delivering the spatial strategy and objectives of the plan in order to improve the sustainability of the borough (economic, social and environmental).
- 4.10 Once a decision to adopt the Local Plan is made, this decision will be publicised and we will write to those people who have asked to be informed of its adoption. The Local Plan, Policies Map and associated documentation will also be made publicly available.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out a sustainability appraisal of each of the proposals in a Local Plan during its preparation.
- 5.2 The role of a sustainability appraisal is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as

well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in the plan are the most appropriate given the reasonable alternatives.

- 5.3 In her final report the Local Plan Inspector has concluded that the reasons for selecting particular policy approaches and site allocations and rejecting others are clear. Accordingly, she considers that the Sustainability Appraisal work undertaken in connection with the plan is adequate. The plan has therefore been thoroughly tested against reasonable alternatives and judged to be the most appropriate in respect of its ability to contribute to improvements in environmental, social and economic conditions in order to promote sustainable development.
- 5.4 Given the extent to which alternatives have been tested through the examination, it would be perverse to decide at this stage to decide not to adopt the plan and to instead pursue an alternative spatial strategy or suite of policies. This is particularly so given the alignment of the plan with corporate priorities and the crucial role it will have in helping to deliver many of the corporate outcomes.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 The Local Plan will represent the starting point for planning decisions. It will therefore be pertinent to all service users making planning applications or those potentially affected by development proposals. The plan includes a suite of policies that have been thoroughly tested during the examination and deemed to be the most appropriate, when tested against reasonable alternatives, in respect of their ability to contribute to improvements in environmental, social and economic conditions in order to promote sustainable development.
- 6.2 As well as the significant benefits that will arise as a result of the adoption of a plan covering a 19 year period from 2014-2033, the allocation of large areas of land to meet the identified and accepted need for new jobs and homes will have some unavoidable adverse impacts. Where this is the case, the relevant policies include requirements for mitigation or compensation to minimise and offset levels of harm. Ultimately, each planning application that comes forwards will be tested against these policies and the Council's assessment of planning applications will be informed by comments received from affected local people/service users.

7. FINANCIAL IMPLICATIONS

- 7.1 Consultation on the financial implications has taken place with colleagues in Financial Services on behalf of the Service Director (S151 Officer) Finance.
- 7.2 Resources have previously been set aside within the Jobs and Business Plan to cover the cost of the submission, examination and adoption of the Local Plan.
- 7.3 However, it should be noted that adoption of the Local plan will increase Housing growth which will serve to raise council tax levels but also impact upon the demographic pressures faced across all council services.

8. EMPLOYEE IMPLICATIONS

8.1 There are no employee implications arising from this report.

9. COMMUNICATIONS IMPLICATIONS

9.1 Communications support will be required in preparing and disseminating press releases and dealing with social media in order to inform people that the Inspector's report has been received and the Council intends to adopt the Local Plan.

10. CONSULTATIONS

10.1 The Local Plan has been subject of the appropriate statutory consultation process as detailed within the Planning and Compulsory Purchase Act 2004.

10.2 The Inspector acknowledges that the Council has consulted properly and the Inspector deals with how the Council has dealt with its statutory consultation obligations on page 6 of her report

11. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

11.1 The Local Plan is a key Council strategy document that will support achievement of each of the three main priorities set out in the corporate plan and more specifically outcomes 1- 6, 9 and 11.

12. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

12.1 An Equality Impact Assessment was carried out on the publication version of the Local Plan in 2016 to assess the impact of its policies and proposals. This concluded that all policies and proposals apply to all sectors of the community equally. The policies make provision for a range of housing types to meet differing needs for example affordable housing and the accommodation needs of gypsies and travellers. The Design policy D1 also seeks to ensure development is designed to be accessible to all.

13. TACKLING THE IMPACT OF POVERTY

13.1 Reflecting it's alignment with the corporate priorities, the objectives within the Local Plan are:

- Provide opportunities for the creation of new jobs and protection of existing jobs
- Improve the conditions in which people live, work, travel and take leisure
- Widen the choice of high quality homes
- Improve the design of development
- Protect and enhance Barnsley's natural assets and achieve net gains in biodiversity

13.2 The plan seeks to achieve these objectives by:

- Providing the opportunity to grow the economy by 28,840 jobs
- Encouraging significant inward investment to generate this additional employment
- Providing the space to allow existing businesses to grow
- Creating a vibrant and attractive Town Centre
- Enabling the delivery of at least 21,546 homes that provide housing for all, including affordable housing, and maintaining at least a rolling 5 year deliverable supply of new housing
- Enabling the provision of critical infrastructure to support sustainable communities
- Protecting and enhancing the natural, built and historic environment
- Respecting the cultural identity and local character of Barnsley

13.3 If these objectives are achieved it is anticipated that levels of poverty, deprivation and inequality will have reduced by the end of the plan period.

14. TACKLING HEALTH INEQUALITIES

14.1 A Health Impact Assessment was produced to consider the Local Plan proposals on health. This considered the impact of the various policies within the plan on the health of the various communities as well as whether they contribute to the ambitions of the Corporate Plan and reduce health inequalities. It concluded that as a whole the plan would potentially improve the health of residents and help address health inequalities.

15. REDUCTION OF CRIME AND DISORDER

15.1 There are no direct implications arising from this report. Indirectly, as indicated under the “Tackling the Impact of Poverty” heading, if the objectives of the plan are achieved it is anticipated that inequality would reduce. In turn this may help reduce the likelihood of disorder and potentially reduce crime rates.

16. RISK MANAGEMENT ISSUES

16.1 The Inspector has confirmed that the Local Plan is legally compliant and that the Council has met our Duty to Co-operate. These were two significant risks at the outset which have been successfully mitigated.

17. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

17.1 Over and above the matters referred to under the heading “Tackling Health Inequalities”, there are no direct implications for health, safety and emergency resilience arising from this report.

18. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

18.1 There are no direct implications with regard to the impact on Convention rights arising from this report which proposes specifically that the Local Plan be adopted. The statutory consultation process relating to the adoption of the Local Plan has provided the opportunity for those whose Convention rights may be impacted by the proposals contained within what will become the Council’s statutory development

plan to make representations and to be heard. This process has allowed for due regard to be given to any impact on those rights arising from the proposals contained within the Plan in the Inspector coming to the conclusion that with the recommended main modifications the Local Plan satisfies the requirements of the 2004 Act.

19. CONSERVATION OF BIODIVERSITY

- 19.1 The Habitats Regulations Assessment has been updated as part of the ongoing work to reflect our statutory duty and the emphasis in the NPPF to conserve and enhance biodiversity. The Local Plan as modified seeks to achieve a net biodiversity gain by the end of the plan period. Central to this is protection the areas of high biodiversity value.

20. LIST OF APPENDICES

- 20.1 Appendix 1 Inspector's Report
Appendix 2 Schedule of Main Modifications
Appendix 3 MC4 Schedule of Proposed Additional Changes
Appendix 4 List of Further Additional Changes
Appendix 5 Local Plan Adoption Version
Appendix 6 Policies Map Adoption Version
Appendix 7 Local Plan Reference Changes

21. BACKGROUND PAPERS

- 21.1 The following two documents were consulted on as part of the Main Modifications consultation, and illustrate the changes proposed to the Policies Map. All these changes are included in the final Policies Map with the adoption version of the Local Plan.

MC1 Proposed Main Modifications: Annexes and Appendices
<http://consult.barnsley.gov.uk/file/4995148>

MC4 Annex 1 Proposed Additional Map Changes
<http://consult.barnsley.gov.uk/file/4995259>

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

Report author: Paula Tweed

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