

**Report of Director of Place and Wellbeing  
To  
Portfolio Holder for Safer Communities  
On  
10 September 2018**

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**PUBLICATION DRAFT LOCAL PLAN**

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**1. SUMMARY**

- 1.1 The Council is required to prepare a Development Plan Document (DPD) known as the Local Plan for the District to guide future development for a period of at least 15 years. The Local Plan will ensure new homes, jobs and services are located in the most sustainable locations, along with the necessary infrastructure and facilities, whilst conserving and seeking to improve our most valued built and natural assets.
- 1.2 The Local Plan has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The current stage in the Local Plan process is the Publication Draft Local Plan which is Regulation 19 and this is the first time the Council will formally publish and consult on the Local Plan. As part of preparing the Local Plan there have previously been three informal stages of consultation in accordance with Regulation 18 where all stakeholders have had the opportunity to make representations on the content of the Local Plan.
- Local Plan Scoping Report (2015);
  - Local Plan Consultation Draft (2016) and;
  - Local Plan Preferred Options (2017).
- 1.3 The next stage in the process following the Regulation 19 consultation is to submit the Local Plan and all of the representations received to the consultation for examination under Regulation 22 to the Secretary of State for Housing, Communities and Local Government.
- 1.4 The purpose of this report is to agree and consult for 6 weeks on the publication version of the Local Plan, having regard to the responses received during the previous consultation processes and the arrangements for submission thereafter. Representations on the Local Plan Publication Draft can only be made on the grounds of soundness, the Duty to Cooperate and Legal Compliance.

**Key Decision** – This is not a key decision.

## **2. RECOMMENDATIONS**

### **Recommendations to Council:**

- i. To approve the Publication Draft Local Plan
- ii. To agree to publish and invite representations upon the Publication Draft Local Plan together with the Sustainability Appraisal Report and Habitats Regulation Screening Report for a six week period in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012
- iii. To agree to submit the Local Plan Document (Publication Draft Local Plan) to the Secretary of State together with any representations considered by the Director of Place and Wellbeing, in consultation with the Portfolio Holder for Safer Communities, including the identification of possible modifications to the inspector
- iv. To request the appointed Inspector to recommend modifications to the submitted Local Plan, in the event that the Inspector considers that such modifications would make the plan sound.

## **3. BACKGROUND**

- 3.1. Mansfield District Council is required to produce a Development Plan Document (DPD) known as the Local Plan for the district to guide development for a period of 15 years. The Local Plan will ensure new homes; jobs and services are located in the most sustainable locations, along with the necessary infrastructure and facilities, whilst conserving and seeking to improve our most valued built and natural assets.
- 3.2. The preparation of the Local Plan is governed by legislation (The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011) and also Regulations (The Town and Country Planning (Local Planning) (England) Regulations 2012).
- 3.3. The Local Plan Publication Draft has been informed by advice in the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance. The revised NPPF was published on 24 July 2018 and includes transitional arrangements which set out that Local Plans that are submitted on or before 24 January 2019 will be examined against the NPPF 2012. As part of the preparation of the Local Plan some elements of the NPPF 2018 have been introduced including the standardised housing methodology which will be discussed later in this report. The Local Plan clearly sets out where it has been prepared in accordance with the NPPF 2018.
- 3.4. It is therefore important that the Local Plan is submitted for Examination before the 24 January 2019 to ensure that there are no further delays to the preparation of the Local Plan, as further work would then be required to update both the Local Plan and supporting evidence to be NPPF 2018 compliant. Any further delays to the Local Plan timetable increases the risk of Government intervention into the preparation of the Local Plan.

- 3.5. The version of the Local Plan which Council is being asked to approve is the 'publication' stage Local Plan (Regulation 19) attached at Appendix A to this report. This represents the Local Plan which the Council considers should be submitted for examination, the plan also includes a Policies Map which identifies on an Ordnance Survey base map where the various policy areas apply; this can be viewed at Appendix B.
- 3.6. The Local Plan is supported by a wide ranging evidence base as set out at Appendix C of this report. The list itself will be added to as the Local Plan progresses through the examination. In common with practice elsewhere, a number of technical papers will also be made available when the plan is published which provide more information and clarification than can be included in the Local Plan document itself.
- 3.7. The Local Plan has also been subject to the following independent assessments as required by the Regulations:
- Sustainability Appraisal/ Strategic Environmental Assessment 2018 (Appendix D);
  - Equality Impact Assessment (Appendix E);
  - Whole Plan and Community Infrastructure Levy Viability Assessment (Appendix F) and;
  - Habitats Regulations Screening Report 2018 (Appendix G).
- 3.8. An Infrastructure Delivery Plan has been prepared which assesses the likely impact of proposed new development on a wide range of infrastructure and identifies a significant number of infrastructure 'projects' which the council, working with a wide range of partners, will need to address over the coming years.
- 3.9. Members will recall that there have been three previous consultations on the Local Plan under Regulation 18, where there has been an opportunity for all stakeholders to make comments on the content of the Local Plan. These were:
- Local Plan Scoping Report (2015);
  - Local Plan Consultation Draft (2016); and
  - Local Plan Preferred Options (2017).
- 3.10. The Statement of Consultation attached as part of Appendix H to this report sets out a response to each of representations made to the Local Plan to date and how this has shaped the preparation of the plan.

#### *Regulation 19 Consultation*

- 3.11. It is proposed to hold a six week consultation in accordance with the regulations between 20 September 2018 and 1 November 2018. Representations on the Local Plan Publication Draft can only be made on the following grounds:
- Soundness;
  - Duty to Cooperate; and

- Legal Compliance.
- 3.12. Everyone on the Local Plan consultation database will be alerted to the consultation and it will be advertised in accordance with the adopted Statement of Community Involvement 2017. All representations received at this stage will be reviewed and forwarded to the Planning Inspector when the plan is submitted for Examination.
- 3.13. To be “sound”, the Local Plan should be:
- **Positively prepared**- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
  - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - **Consistent with national policy**- the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF 2012.
- 3.14. The first task of an Inspector appointed to hold an examination is to assess if the Council has complied with the legal Duty to Cooperate. This is to ensure that the District Council has engaged constructively and on an ongoing basis with neighbouring authorities and other public bodies to maximise the effectiveness of the Local Plan preparation in the context of strategic cross-boundary matters; for example providing homes or jobs for neighbouring districts if they were unable to meet their own needs.
- 3.15. If the Inspector concludes that this is not the case then the Local Plan will automatically fail, as non-compliance with the Duty to Cooperate cannot be remedied through retrospective action.
- 3.16. In order to test legal compliance the Inspector will assess if the plan has been prepared in accordance with Section 20(5) (a) of the Planning and Compulsory Purchase Act 2004, and the correct process has been followed in the preparation of the Local Plan; for example that all consultations have been carried out in accordance with the adopted Statement of Community Involvement 2017.

#### *Standardised housing methodology*

- 3.17. Based on the previous policy approach of the NPPF 2012, Mansfield District Council, jointly with the other authorities that make up the Nottingham Outer Housing Market Area (HMA) commissioned consultants to prepare a Strategic Housing Market Area Assessment (SHMA) 2015. The SHMA identified a housing need for the district of 7520 dwellings over the plan period 2013-

2033 or 376 dwellings per annum (dpa). This was the target used within the Local Plan Consultation Draft (2016) and the Local Plan Preferred Options (2017).

- 3.18. In order to deliver the housing target of 376 dpa, and to be able to demonstrate a five year housing land supply, the Council would require an average rate of delivery from April 2018 of 530 dpa. This level is to make up for under-delivery since 2013 and is considered unrealistic when 308 dpa have been delivered on average (since 2001).
- 3.19. If the Council is unable to demonstrate a five year housing land supply, the Local Plan could fail at Examination, or if adopted would be considered out of date and the presumption in favour of sustainable development would apply. In effect the Local Plan would be adopted and then instantly out of date.
- 3.20. The revised NPPF 2018 introduced the standardised housing methodology for calculating local housing need. This reduces the housing requirement to 279 dpa which is significantly lower than the previous target. However this is a minimum figure and therefore to reflect the Council's aspiration for further growth it is proposed to set the housing target at 325 dpa or 6500 dwellings over the plan period. This is considered an appropriate target for two reasons.
- Firstly, it delivers a 5% increase over the average number of homes built since 2001/02.
  - Secondly, it was identified in the SHMA 2015 that the district is required to deliver 328 dpa (or 6560 over the plan period) to provide enough housing necessary to support the economic growth that would be produced from the projects in the D2N2 LEP Growth Strategy 2014.
- 3.21. Members should note that there is a risk in using the standardised housing methodology as the Local Plan will be examined in accordance with the NPPF 2012 due to the transitional arrangements to the NPPF 2018. A number of local planning authorities have recently submitted their local plans using the new standardised housing methodology to calculate their housing need, although these plans are yet to be found sound. However one authority has been supported using this method in Examination, although there are differences in their circumstances and the justification used to support the use of the standardised housing methodology. However, relying on the now dated SHMA housing figure would have resulted in a housing target that has never previously been achieved and that would not give a 5 year housing land supply on adoption. It is therefore considered that the use of the standardised methodology is justifiable.

#### *The Local Plan Publication Draft*

- 3.22. Part A of the plan provides the overall context of the document and the vision and objectives for the district until 2033. Part B of the Local Plan seeks to guide development and is broken down into the following chapters:
- a. Spatial Strategy – sets an overarching strategy to ensure delivery of the Local Plan vision and objectives.

- b. Place making – the chapter introduces the Mansfield place making principles that will be used to encourage well designed new developments.
- c. Housing – the Local Plan needs to deliver 6500 dwellings over plan period, in order to do this the local plan will allocate enough land for 9,662 dwellings through commitments and new allocations. This chapter sets out which sites will be allocated and also contains other housing related policies.
- d. Employment- around 41 hectares (ha) of employment land is required, there is a need to identify approximately 5 ha of employment land within the local plan. This chapter identifies the site allocations that will enable the district's employment requirements to be met, and other employment related policies.
- e. Retail – the local plan is required to deliver 13,200 sqm of comparison floor space and 540 sqm of convenience floor space. This chapter allocates retail sites to meet the district's retailing requirements and other retail and town centre related policies.
- f. Strategic urban extensions – this chapter allocates two strategic sites identified within the Local Plan Preferred Options (2017) at Land off Jubilee Way and Pleasley Hill Farm for mixed use developments.
- g. Infrastructure and facilities – sets out the infrastructure provision that is required to support development. This includes sustainable transport and the provision and enhancement of green infrastructure.
- h. Natural environment – protects landscape character and national and locally important sites.
- i. Historic environment – protects the district's heritage assets.
- j. Climate change – encourages sustainable forms of development especially in relation to managing water resources and flood risk.

### **Next steps**

- 3.23. Following approval by Council the Local Plan will be published to seek representations. As the Regulations prescribe that this should be for a minimum of 6 weeks, it is proposed that the consultation will commence 20 September 2018 and close on 1 November 2018.
- 3.24. In addition to the Local Plan document and the SA/SEA, Viability Study and HRA as outlined above, the various documents which comprise the evidence base will also be available for the public.
- 3.25. Any representations received as part of the consultation will need to be considered before submitting the Local Plan for examination. It is recommended that the Director of Place and Wellbeing be delegated authority, in consultation with the Portfolio Holder for Safer Communities, to agree to the submission subject to it being considered that any representations do not raise new issues of significance that are required to be considered by a further Council meeting.
- 3.26. Once submitted the Planning Inspectorate will appoint an Inspector to undertake an examination. The purpose of the Examination is to determine if the Local Plan satisfies the test of soundness as set out in paragraph 3.13 of this report.

3.27. At this point control of the process becomes the responsibility of the Planning Inspector. The timetable post submission in December 2018 is, therefore, subject to change.

- Publication stage – 20 September 2018
- Submission- December 2018
- Examination – Spring 2019
- Adoption Autumn/ Winter 2019

3.28. The Inspector can only make recommendations in respect of main modifications which are required to ensure that the plan satisfies the test of soundness and such recommendations can only be made where the Council has requested that he/she does so. This is covered by the recommendations.

**4 OPTIONS AVAILABLE**

4.1 Publication of the Local Plan is a significant part in the preparation of the Local Plan. At this time there are two options. The first option is not to publish the Local Plan for Regulation 19 consultation which would significantly delay the preparation of the Local Plan and increase the risk of government intervention. The other option is to consult on alternative Publication Draft Local Plan which includes sites that have been identified throughout the preparation of the Local Plan, but are not currently proposed to be allocated as they do not meet the site selection criteria.

**5 RISK ASSESSMENT OF RECOMMENDATIONS AND OPTIONS**

Risk	Risk Assessment	Risk Level	Risk Management
Reputation	Not publishing would stop further development of the Local Plan and may risk the Council's ability to bring its vision for development forward. Further delay is also likely to lead to additional pressures for housing on sites that are less sustainable than the sites proposed and makes it more difficult to resist applications on unsustainable sites. Significant delays in progressing and adopting the Local Plan may lead to Government intervention.	High	Publishing this version of the Local Plan enables the Council to move forward with the preparation of the Local Plan in accordance with the Local Development Scheme May 2018 and reduces the risk of Government Intervention.

## **6. ALIGNMENT TO COUNCIL PRIORITIES**

- 6.1 Production of a Local Plan is one of the specific actions that need to be undertaken as part of the Corporate Priorities and this consultation on the Preferred Option Local Plan is an important step.

## **7. IMPLICATIONS**

- 7.1 It is important to note that publishing this document is a significant step in the preparation of the Local Plan and is the final stage before the submission of the Local Plan to the Planning Inspectorate for independent examination.
- (a) Relevant Legislation – The report relates to the next stage in the Local Plan process and accords with the Planning and Compulsory Purchase Act 2004.
  - (b) Human Rights - No impact as this is a consultation document, where consultation will be in accordance with the adopted Statement of Community involvement and compliant with all relevant Human Rights issues.
  - (c) Equality and Diversity - No impact as this is a consultation document, where consultation will be in accordance with the Statement of Community involvement adopted by the council and compliant with all relevant equality and diversity issues. The Publication draft Local Plan has been subject to an equality impact assessment.
  - (d) Climate change and environmental sustainability- No impact the relevant policies within the Publication draft Local Plan have been assessed as part of the Sustainability Appraisal.
  - (e) Crime and Disorder- No impact as there are no changes to relevant policies as a result of the consultation on this document.
  - (f) Budget /Resource- This document does not in itself generate greater costs than those associated with meeting our legal duties.

## **8. COMMENTS OF STATUTORY OFFICERS**

- (a) Monitoring Officer – The publication of the Publication Draft Local Plan is in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the requirements of the Secretary of State for Housing, Communities and Local Government
- (b) Section 151 Officer – No Specific Comments

## **9. CONSULTATION**

The purpose of this report is to seek consultation on the Publication Draft Local Plan.

## **10. BACKGROUND PAPERS**

Appendix A Publication draft Local Plan

Appendix B Publication draft Local Plan Policies Map

Appendix C List of supporting evidence  
Appendix D Sustainability Appraisal 2018  
Appendix E Equality Impact Assessment 2018  
Appendix F Whole Plan and Community Infrastructure Levy Viability Assessment  
2018  
Appendix G Habitats Regulation Screening Report 2018  
Appendix H Statement of Consultation 2018

The document is based upon a significant evidence base for which all of the currently available background papers can be found here

<http://www.mansfield.gov.uk/evidenceforthelocalplan>

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