

Hambleton District Council

Report To: Cabinet

Date: 10 March 2020

Subject: **Approval of Local Plan for Development Management Purposes**

Portfolio Holder: Planning
Councillor D A Webster

Wards Affected: All Wards

1.0 Purpose and Background

- 1.1 The purpose of this report is to seek approval for the policies contained in the Hambleton Local Plan to be used as a material consideration during the process of determining planning applications.
- 1.2 The Hambleton Local Plan was published for representations between 30 July and 17 September 2019. The next milestone in the preparation process is for the plan to be submitted for Examination. This is scheduled to happen by the end of March 2020.
- 1.3 While the policies of an emerging Local Plan can be approved for use in the decision making process, it should be recognised that the degree to which individual policies can be given weight depends on several factors.
- 1.4 When deciding on the weight to be given to policies of the emerging Local Plan reference must be had to the National Planning Policy Framework (NPPF) paragraph 48, which states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 1.5 With regards to part a) of paragraph 48 the Local Plan is at an advanced stage in the preparation process as the main consultation phase and the statutory publication stage have been completed. Further to this the plan is due to be submitted for examination shortly but it has not been through Examination and neither has it been formally adopted.
- 1.6 When considering part b) of paragraph 48 the extent to which there is unresolved objections can be seen from analysis of the representations. Attached as Annex A is a table of the policies contained within the publication version of the Local Plan. The table sets out the number of representations on each policy and whether they are 'support' or 'objections' representations.
- 1.7 The table in Annex A shows that some policies have no objection representations. With no objections it is highly likely that these policies will remain the same through the examination process to adoption of the plan. They can therefore be given 'significant' weight.
- 1.8 There are policies where the representations raise issues that are not particularly significant and should be straightforward to resolve. These policies are identified in Annex A. Although there can be confidence that the issues raised for these policies will be resolved it could involve modifications. The commentary included in Annex A gives some guidance on the extent of the objections, for example whether they are geographically specific.
- 1.9 The remaining policies have objections that are likely to be matters that are considered in detail through the Examination process. They raise objections and/or seek changes that could change the effect of the policy. These objections must therefore be considered to be unresolved. These policies mainly concern the scale and distribution of development and the allocation of sites for development.
- 1.10 When considering part c) of NPPF paragraph 48 there can be a high degree of certainty that the policies of the plan are consistent with the national policies contained within the NPPF. This is in part due to the fact that the production timetable for the Local Plan was extended in 2018 to ensure that the plan was consistent with the, then newly published, NPPF. Further to this the objections raised generally state that policy requirements are not justified by the evidence. Where they do raise issues relating to national planning policy they are mostly concerned with the interpretation rather than conformity with national policy.

2.0 Link to Council Priorities

- 2.1 The adoption of a new Local Plan is a priority project for the Council and aims to deliver the vision of Hambleton as a place to grow.

3.0 Risk Assessment

- 3.1 The key risk is in not approving the recommendation as shown below:-

Risk	Implication	Gross Prob	Gross Imp	Gross Total	Preventative action	Net Prob	Net Imp	Net Total
If the weight to be afforded to the policies in the decision making process is not clearly defined this could lead to more planning appeals.	More planning appeals could adversely affect the quality of the planning service. Council planning decisions could be overturned.	4	3	12	Approve as recommended.	2	3	6

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

3.2 There are risks associated with approving the recommendation, however these are considered to be of a low level. Overall the risk of not approving the recommendations outweighs the risks of approving the recommendation.

4.0 Financial Implications

4.1 There are considered to be no financial implications associated with this report.

5.0 Legal Implications

5.1 There are potential legal implications relating to planning application appeals. If the recommendation is not approved and therefore the weight to be afforded to policies in the decision making process is not clearly defined, this could lead to more planning appeals.

6.0 Equality/Diversity Issues

6.1 Equality and Diversity Issues have been considered however there are no issues associated with this report.

8.0 Recommendation

8.1 That Cabinet approves and recommends to Council that policies contained in the Hambleton Local Plan be used as a material consideration during the process of determining planning applications.

Helen Kemp
Director of Economy and Planning

Background papers: None

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