

Report to the Cabinet 23rd May
2016

Planning Committee 17th May
2016



Wards: ALL

Hull Local Plan: Publication Consultation Document

Report of the City Planning Manager

This item is not exempt
Therefore exempt reasons are not applicable

This is a Key Decision

This is a key decision. The matter is in the Forward Plan
0070/15

1. Purpose of the Report and Summary

- 1.1 This report asks Members to consider the Hull Local Plan Publication Consultation Document and to approve it, along with its supporting evidence base, for public consultation.
- 1.2 The Local Plan, once adopted, will:
 - set out how planning applications should be determined;
 - allocate land for housing and employment development;
 - designate open spaces and shopping centre boundaries;
 - provide policies to protect heritage assets.
- 1.3 Its preparation has been a staged process: this is the third stage following the Issues and Options Consultation carried out in Summer 2014 and the Preferred Options Consultation carried out in Autumn 2015.
- 1.4 Publication is a statutory stage of plan preparation. It is the plan the Council want to adopt. The consultation is about whether the plan meets the test of soundness set out in the National Planning Policy Framework (NPPF). At this stage, it is also reasonable for weight to be attached to the emerging plan when determining planning applications.
- 1.5 A ministerial statement was issued in July 2015. This highlighted the importance of development plans, in particular to support the delivery of housing. It also stated that if no Local Plan has been produced by early 2017, the Government will intervene to accelerate plan production.

2. Recommendations

2.1 It is recommended that:

1. the Hull Local Plan Publication Consultation Document and its supporting evidence base be approved for a minimum of 6 weeks public consultation starting in June 2016;

2. the City Planning Manager, in consultation with the Portfolio Holder for Energy City, is authorised to make any minor drafting changes and layout amendments before the start of the consultation period.

3. Reasons for Recommendations

3.1 The Ministerial Statement has made clear that Government will intervene where Local Plans have not been produced by early 2017. Although the Statement also makes clear that this would be in consultation with local people, it would remove a key power of the Council to influence where and how development should take place.

3.2 Having an up-to-date Local Plan means that the Council, as Local Planning Authority, is best placed to determine planning applications and guide development to the most appropriate locations in the best interests of the city.

3.3 This plan would replace the last Local Plan adopted in 2000 and provide the delivery framework for the physical projects in the City Plan.

4. Impact on other Executive Committees (including Area Committees)

4.1 The Local Plan will:

- set out how planning applications should be determined;
- allocate land for housing and employment development;
- designate open spaces and shopping centre boundaries;
- provide policies to protect heritage assets.
- Ensure new development is appropriately designed

It therefore has the potential to impact in many ways on the operation of other Executive Committees and Area Committees.

4.2 Area Committees will be receiving reports on the Local Plan Publication Consultation document, asking for their views. Any other Committee can request for the Local Plan to be placed on its agenda.

4.3 Any representations received from these Committees will be summarised and sent to the examining Inspector in line with Local Plan Regulations.

5. Background

- 5.1 Local planning authorities should prepare development plans for their area. Current Government guidance is that this should be in the form of a Local Plan and that it should plan for a timescale of at least fifteen years. The Government have also made clear, through the Ministerial Statement issued in July 2015 that they expect Local Plans to be produced in a timely manner.
- 5.2 The Government published the National Planning Policy Framework (NPPF) in March 2012. This makes it clear that having an up-to-date local plan is the best way for local planning authorities to guide development within their area. The current Local Plan was adopted in 2000. It has provided an excellent planning framework for the city but it now needs updating, for a number of reasons.
- 5.3 Some policies in the current Local Plan were not 'saved' because the Regional Spatial Strategy addressed those issues. The RSS has since been abolished, meaning that there are key issues – such as flooding, housing targets and employment land targets – where there are no development plan policies.
- 5.4 As time passes, allocations for development are built out. A new Local Plan would allow for new allocations to be made, which has the benefit of providing clear direction about where the Council would like development to take place, having been objectively assessed in the interests of the city. It will also help protect inappropriate development across the City.
- 5.5 Local plans must be informed by evidence. The evidence base for the new Local Plan is extensive and addresses issues related to housing need and demand, the need for employment land, open space standards, retail requirements, flood risk, climate change and heritage. The majority of this evidence base has already been endorsed by the Planning committee. The spatial implications of the City Plan are reflected in the Publication Consultation Document. The supporting evidence base documents will be available to view as part of the consultation process.
- 5.6 The Local Plan will also be subject to a Sustainability Appraisal which will include an Equalities Impact Assessment and a Health Impact Assessment. The Local Plan will also be subject to assessment with regard to the Habitats Regulations. These will be subject to consultation alongside the plan.
- 5.7 The Localism Act placed a legal duty on the Council to co-operate with certain organisations when planning for strategic issues. This is addressed in the consultation document and this remains on-going throughout the preparation of the plan. These organisations include the

East Riding of Yorkshire Council, the Environment Agency, Marine Management Organisation, Sport England, Highways England, North Lincolnshire Council and North-East Lincolnshire Council. There is also a requirement for the planning authority to cooperate with the Local Enterprise and Nature Partnerships and have regard to their activities where they are relevant to local plan making.

- 5.8 Consultation was carried out in May and June 2014 on the Issues and Options stage of the Local Plan, and in October and November 2015 on the Preferred Option stage. Full details of the consultations carried out, a summary of the responses received and how the comments have been reflected in the subsequent stages of the plan can be found in the Report on Consultation which will be part of the evidence base.
- 5.9 The Local Plan must be approved by full Council before it is submitted to the Planning Inspectorate for Examination.

6. Issues for Consideration

- 6.1 Planning regulations require the Publication of the plan before it is submitted to the Planning Inspectorate for Examination. It is the plan that the Council want to adopt to guide development in the city for the next 15 years. It is a formal opportunity for the community and interested parties to comment, and it is a requirement of the Regulations that a summary of the main issues raised at this consultation stage must be submitted to the Inspector, along with copies of the comments.
- 6.2 The Local Plan has to meet the development needs of Hull to 2032. They key aspects of this are:
- Climate change mitigation and adaptation
 - Amount of employment land required
 - Where employment development should be located
 - Employment sites
 - Number of houses to be built
 - Design standards for housing
 - Housing sites
 - City centre boundary
 - Primary shopping frontages
 - City Centre living
 - Tourism and high footfall uses
 - Local centre boundaries
 - Sequential approach for shopping
 - Mix of uses in centres
 - Design criteria
 - Heritage protection
 - Local distinctiveness
 - Promoting sustainable transport
 - Managing transport

- Protected road schemes
- Providing parking policy/standards
- Flood management
- Sustainable drainage
- Open space standards
- Open space protection
- Open space uses
- Green network
- Biodiversity
- Tree protection and planting
- Air quality
- Contaminated land
- Hazardous substances
- Renewable and low carbon energy

6.3 The Inspector will assess the plan against the tests of soundness set out in the NPPF, so any comments on the Publication Stage of the plan should be in terms of these tests. The tests of soundness are:

- 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 Framework.

6.4 Paragraph 216 of the NPPF advises that decision takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The approval of the Publication Consultation Document means that it can be a material consideration in the determination of planning applications.

- 6.5 The Plan should be read as a whole, and no one policy automatically is more important than another. When determining an application, it is for the decision taker to determine how much weight should be attached to each policy and material consideration.

7. Options and Risk Assessment

- 7.1 There are three options available to Members:
1. agree with the recommendations in section 2 of this report
 2. refuse the recommendations
 3. selectively amend the plan.

- 7.2 The risk associated with options 2 and 3 is very similar. The Local Plan Publication Consultation Document has been arrived at through a documented process of evidence gathering, appraisal and assessment, consistent with national policy. Disagreeing with the process taken or seeking to amend important parts of it could undermine the soundness of the plan and significantly increase the time it will take to adopt the plan.

8. Risk Assessment

- 8.1 The overarching risk to the Council comes from not having an up to date Local Plan. The Government has announced that if no Local Plan has been produced by early 2017, they will intervene to arrange for the Plan to be written, in consultation with local people, to accelerate the production of a Local Plan. This would remove a significant aspect of the Council's ability to guide development.

- 8.2 The other key risk of not having an up to date plan is the potential this gives applicants to argue, particularly at appeal, that the NPPF should outweigh our plan policies. Again, this potentially hampers the Council's ability to guide development.

9. Consultation

- 9.1 This consultation stage is required by the Town and Country Planning (Local Planning) (England) Regulations 2012 and allows for comments to be made about the plan the Council wants to adopt. It will also be undertaken in accordance with the Council's adopted Statement of Community Involvement, as have the previous stages of plan preparation.

- 9.2 It is also set out in the Regulations that comments received at this stage must be sent to the Inspector, along with a summary of the main issues raised. There is also some limited scope for the plan to be amended in

light of the comments received.

- 9.3 The full Publication Consultation document together with supporting evidence base documents will be available to view and make comments on through the Council's website and at the Wilson Centre. Hard copies of consultation document will be deposited at various Council receptions and in all Hull libraries and Customer Service Centres.
- 9.4 Area Committees will be consulted as part of the process and the public /stakeholders will be invited to attend a forum session at the Guildhall. A number of walk-in public events will take place around the city, where copies of the Publication Consultation document will be available. Council representatives will be present to assist the public in making comments on the soundness of the plan.
- 9.5 The Local Planning Authority is required to submit details of the previous stages of the consultation process, the representations received and how these were addressed as part of the Plan's examination process.

10. Comments of the Town Clerk (Monitoring Officer)

- 10.1 Public consultation on the Hull Local Plan Publication Consultation Document is the next stage in the statutory process prior to approval of the Local Plan by Council for submission to the Planning Inspectorate for examination. Delays or failure to produce an up to date Local Plan may result in intervention by central Government and will undermine the Council's ability to manage development within the city. Therefore, the recommendations at paragraph 2 of this report are supported.

11. Comments of the Section 151 Officer

- 11.1 The City Treasurer notes the Local Plan consultation document and the proposed consultation dates.

12. Comments of HR City Manager and compliance with the Equality Duty

- 12.1 There are no staffing issues associated with publishing the plan document for public consultation. In terms of equalities, any public feedback on equality issues should be considered as part of the consultation. The document does contain certain provisions for those with protected characteristics for example disabled parking.

13. Comments of Overview and Scrutiny

- 13.1 The final consultation report will be subject to Scrutiny following agreement of the document by the Cabinet.

14. Comments of Councillor Mancey, Portfolio Holder for Energy City

- 14.1 The Local Plan shows future potential development sites in the city for housing, employment, retail, mixed use, and also new open space uses. These potential sites have been identified by means of a detailed assessment procedure and informed by previous consultation exercises. The purpose of this stage of the Local Plan, referred to as Publication Consultation, is to provide a further and more formal opportunity for the public and stakeholders to comment on these potential sites again. Later this year the Council will consider comments received and confirm which sites will be put forward as future development sites in the Submission version of the Local Plan which the Council will submit for examination.

It has been made clear that if the Council does not produce a Local Plan, central Government reserves the right to intervene. The Publication Consultation Document is the Local Plan we want to adopt to guide the development of Hull to 2032. It is the product of a detailed process of evidence gathering, options assessment, and public consultation. It shows where the City Plan will deliver its objectives and addresses the key issues facing the city: how to mitigate for flooding and climate change, where we will live, work and spend leisure time.

Alex Codd, City Planning Manager

Contact Officer: Jennifer Downs Telephone No.: 612507

Officer Interests: None

Background Documents: - A list of background documents must be included. These documents are then available (if not exempt) for public inspection.

Local Plan Publication Consultation Document
Local Plan Publication Policies Map

Implications Matrix

This section must be completed and you must ensure that you have fully considered all potential implications

This matrix provides a simple check list for the things you need to have considered within your report

If there are no implications please state

I have informed and sought advice from HR, Legal, Finance, Overview and Scrutiny and the Climate Change Advisor and any other key stakeholders i.e. Portfolio Holder, relevant Ward Members etc prior to submitting this report for official comments	Yes
I have considered whether this report requests a decision that is outside the Budget and Policy Framework approved by Council	Yes
Value for money considerations have been accounted for within the report	Yes
The report is approved by the relevant City Manager	Yes
I have included any procurement/commercial issues/implications within the report	Yes
I have considered the potential media interest in this report and liaised with the Media Team to ensure that they are briefed to respond to media interest.	Yes
I have included any equalities and diversity implications within the report and where necessary I have completed an Equalities Impact Assessment and the outcomes are included within the report	Yes
Any Health and Safety implications are included within the report	Yes
Any human rights implications are included within the report	Yes
I have included any community safety implications and paid regard to Section 17 of the Crime and Disorder Act within the report	Yes
I have liaised with the Climate Change Advisor and any environmental and climate	Yes

change issues/sustainability implications are included within the report	
I have included information about how this report contributes to the City Plan/ Area priorities within the report	Yes