

Report Title:	Plan-making – Borough Local Plan Submission Version (BLPSV)
Contains Confidential or Exempt Information?	No
Member reporting:	Councillor Coppinger, Lead Member for Planning and Health (including sustainability).
Meeting and Date:	Cabinet - 26 July 2018
Responsible Officer(s):	Russell O’Keefe, Executive Director Place
Wards affected:	All

REPORT SUMMARY

The Borough Local Plan Submission Version (BLPSV) has been submitted to the Secretary of State for Examination. The first stage of hearings took place from 26-28 June. The second stage of hearings is yet to be confirmed by the Inspector, it is expected to be later this year. If the Inspector were to consider that modifications are necessary this will be made clear through the examination process. This report seeks authority to invite the Inspector to formally recommend any such modifications that she considers may be necessary to enable the Council to adopt the Borough Local Plan.

1 DETAILS OF RECOMMENDATION

RECOMMENDATION: That Cabinet:

- (i) **Delegates authority to the Executive Director, Place to request the Local Plan Inspector to recommend such main modifications of the Borough Local Plan Submission Version as she considers necessary to enable its adoption.**

2 REASONS FOR RECOMMENDATION AND OPTIONS CONSIDERED

- 2.1 The Council submitted the Borough Local Plan – Submission Version (BLPSV) to the Secretary of State on 31 January 2018 for independent examination. The Secretary of State, through his Planning Inspectorate, has appointed a planning inspector, Mrs Louise Phillips MA (Cantab) MSc MRTPI ("the Inspector"), to carry out the examination of the Plan.
- 2.2 The purpose of independent examination is to determine whether the Plan has been prepared in accordance with the relevant legal requirements of the Planning and Compulsory Purchase Act 2004; to determine if it is "sound", within the meaning of the paragraph 182 of the National Planning Policy

Framework ("the Framework"); and ultimately to prepare a report for the Council to recommend whether or not the Plan should be adopted.

- 2.3 Part of the Inspector's role is to recommend modifications to the Plan should she consider them to be necessary. The Inspector cannot make such recommendations in her final report on the Examination unless the Council formally invites her to do so. This report is brought forward now to address this risk should it arise at a future date.

Table 1: Options

Option	Comments
Not to invite the inspector to recommend to the council modifications to the plan if necessary. Not the recommended option.	Should the inspector consider that the plan is not sound or legally compliant then the council will be preventing her recommending modifications to make it so. This would result in the Plan being found unsound.
Invite the Inspector to recommend to the council modifications to the BLPSV if necessary. The recommended option.	Council has endorsed the Local Plan and has made it clear that it wishes to have an up to date Plan in place. Asking the inspector to recommend main modifications of the Plan to enable its adoption underlines the ambition to achieve an adopted Local Plan.

3 KEY IMPLICATIONS.

Table 2: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Letter to the Inspector	After 1 September 2018	By 31 August 2018	By 18 August 2018	Before 18 August 2018	August 2018

4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no financial implications.

5 LEGAL IMPLICATIONS

- 5.1 There are no legal implications.

6 RISK MANAGEMENT

Table 4: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
The BLPSV is found unsound	MEDIUM	Invite the inspector to recommend modifications to the plan	LOW

7 POTENTIAL IMPACTS

7.1 If the Local Plan were to be found unsound and it is recommended to the Council that it be withdrawn:

- The Secretary of State has powers to intervene in plan making, including in respect of the examination process.
- The ability to manage development is weakened by the lack of up to date adopted policies to manage the delivery of development resulting in development that is not in accordance with the preferred spatial strategy for the Borough.

8 CONSULTATION

8.1 The report will be considered by the Planning and Housing Overview and Scrutiny Panel in July 2018, comments will be reported to Cabinet.

9 TIMETABLE FOR IMPLEMENTATION

9.1 Implementation date if not called in is immediately. The whole timetable is set out in table 5.

Table 5: Implementation timetable

Date	Details
August 2018	A written request is made to the Inspector to include within her final report on the examination recommendations to make the Local Plan sound and legally compliant, if she considers it to be necessary to do so.

10 APPENDICES

None.

11 BACKGROUND DOCUMENTS

None.

12 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date issued for comment	Date returned with comments
Cllr Coppinger	Lead Member for Planning	29.05.18	29.05.18
Alison Alexander	Managing Director	25.05.18	27.06.18
Russell O'Keefe	Executive Director	25.05.18	27.06.18
Andy Jeffs	Executive Director	25.05.18	27.06.18
Rob Stubbs	Section 151 Officer	29.05.18	29.05.18
Louisa Dean	Communications	25.05.18	25.05.18

REPORT HISTORY

Decision type: Key decision Yes – June 2018	Urgency item? No.	To Follow item?
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