

Council Report

Name of Committee and Date of Committee Meeting

Cabinet and Commissioner Decision Making Meeting – 11 December 2017

Report Title

Rotherham Local Plan: Consultation on Main Modifications to the Sites and Policies Document

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director, Regeneration & Environment

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Ward(s) Affected

All

Executive Summary

The report seeks approval to consult on Main Modifications to the Sites and Policies Document. This is necessary to accommodate the changes to the plan required by the Planning Inspector. These changes are required to make the plan sound and enable the Council to adopt it in due course.

Recommendations

That public consultation on Main Modifications to the Sites and Policies Document be approved.

List of Appendices Included

Appendix 1 – Summary of the Main Modifications to the Sites and Policies Document.

Background Papers

Inspector's letter confirming the Main Modifications
Main Modifications to the Sites and Policies Document
Main Modification MM44 – site development guidelines
Minor Modifications to the Sites and Policies Document

The Rotherham Sites and Policies Document examination website provides further details of the Inspector's requirements and all related documents.

<http://www.rotherham.gov.uk/localplanexamination>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Rotherham Local Plan: Consultation on Main Modifications to the Sites and Policies Document

1. Recommendations

- 1.1 That public consultation on Main Modifications to the Sites and Policies Document be approved.

2. Background

- 2.1 The Council is preparing a Local Plan for Rotherham. This is both a statutory requirement and a pro-active approach to meeting the need for new homes and jobs, promoting economic growth and continuing the regeneration of the Borough. The Local Plan underpins other key Council strategies, such as the Economic Growth Plan and the Housing Strategy.
- 2.2 The two key documents contained within the Local Plan are the Core Strategy (adopted September 2014), and the supporting Sites and Policies Document.
- 2.3 The Sites and Policies Document allocates land to meet the targets, for new homes and jobs, fixed in the adopted Core Strategy. Most new development proposed will be focused in the Rotherham Urban Area (including at Bassingthorpe Farm) and the three Principal Settlements for Growth at:
- Wath upon Dearne, Brampton Bierlow, West Melton
 - Dinnington, Anston and Laughton Common, and
 - Bramley, Wickersley and Ravenfield Common.
- 2.4 Following extensive community engagement over a number of years, the Council submitted the Sites and Policies Document to central Government on 24 March 2016 (Council Meeting 16/9/15, minute 55 refers). The document is being examined by an independent Planning Inspector appointed by the Secretary of State. Public hearings for the examination were held from July to December 2016, with a further hearing session in October 2017.

3. Key Issues

Main Modifications

- 3.1 The Inspector has written to the Council setting out his changes. He has taken into account the Council's evidence, and submissions from others, and decided that limited changes to the plan are required to make it sound and able to be adopted in due course. The changes, known as "Main Modifications", are summarised at **Appendix 1**.
- 3.2 The Inspector's letter, including his list of Proposed Main Modifications, has been published on the Council's Local Plan examination website.

3.3 The Inspector's changes are fairly limited and he has accepted almost all of the proposed development sites in the plan. Key highlights are:

Vast majority of sites accepted	Nearly all the development sites proposed in the plan have been accepted by the Inspector.
Additional Green Belt housing sites avoided	No new Green Belt housing sites are required beyond those already included in the plan. Some Green Belt housing sites are extended slightly to improve highway access and some Green Belt employment sites are extended to increase local job opportunities.
Windfalls accepted as housing supply	Windfalls are new homes built on unallocated sites. Being able to count windfalls as part of housing supply helps meet the housing target and avoids allocating more land.
New Green Belt land at Thorpe Hesley	Land at Thorpe Hesley has been protected by including it in the Green Belt.
Gypsy and Traveller needs met	The plan's proposals to meet Gypsy and Traveller needs have been accepted by the Inspector.

3.4 However, some parts of the plan have not been accepted by the Inspector. The most notable of these changes are:

Employment site removed	The proposed employment site at Todwick North (ref E16) has been removed due to its impact on the Green Belt.
Housing site removed	The proposed housing site at Todwick (ref H84) has been removed due to its impact on the Green Belt.
Restriction on takeaways near schools removed	The proposed policy restriction on takeaways within 800 metres of schools has been removed as the Inspector considers it is not justified or consistent with national policy. Other proposed restrictions on takeaways in town centres have been accepted. The Council has to accept the Inspectors views but would prefer to have seen this retained. Future opportunities to seek a change to national policy will be taken where possible.

Additional housing sites in the Wath area

3.5 The Inspector also required the Council to identify and consult on additional housing sites in the Wath upon Dearne, Brampton Bierlow, and West Melton area. This was to remedy a shortfall against the Core Strategy housing target for this area that had come to light as part of the examination. This consultation was approved by Cabinet (Cabinet 26/6/17, minute 8 refers) and was carried out between 3 July and 14 August 2017.

3.6 Having held a further hearing session on 19 October 2017 to consider the comments made on the Wath area consultation, the Inspector has accepted the two additional housing sites consulted on and included them in the list of Proposed Main Modifications. The sites are:

- Land off Far Field Lane, Wath upon Dearne (site reference LDF0849)
- Land between Pontefract Road and Barnsley Road, West Melton (site reference LDF0263)

4. Options considered and recommended proposal

Option 1: The Council consults on the Inspector's Main Modifications

- 4.1 The Inspector's Main Modifications are required to make the plan sound and enable the Council to adopt it in due course. To continue the examination process, the Council is required to consult on the Inspector's Main Modifications on his behalf. All duly made representations will be sent to the Inspector for his consideration. When the Council receives the Inspector's final report, the Council can proceed to adopt the plan as modified. The Sites and Policies Document then becomes part of the statutory development plan for Rotherham.
- 4.2 Adoption of the plan will enable the release of the development sites chosen by the Council as the most appropriate to promote the sustainable growth of Rotherham. This will boost the supply of new homes and jobs that Rotherham needs and support the delivery of the Council's Economic Growth Plan and Housing Strategy. Crucially, it will also ensure a five year supply of housing land to protect the Council against speculative development on other non-preferred sites.
- 4.3 Adoption of the plan will also bring into force the development management policies designed to protect and enhance the environment. This policy protection is required to complement the plan's growth ambitions and ensure new development is delivered in a sensitive manner. This is the recommended option.

Option 2: The Council does not accept the Inspector's Main Modifications and does not progress with the Local Plan

- 4.4 The Inspector's Main Modifications are required to make the plan sound and enable the Council to adopt it in due course. The Council could, however, decide not to accept these changes.

4.5 Following this course would effectively leave the Council in limbo. The Inspector would not be able to issue his final report and the Council could not proceed to adopt the plan. This scenario could give rise to the following outcomes:

- **Failure to provide new homes** – It would be impossible to achieve Rotherham’s new homes target without adopting the Sites and Policies Document. The target of 958 new homes a year is fixed in the adopted Core Strategy in 2014, and supported by the Strategic Housing Market Assessment (SHMA) updated in 2015.
- **Failure to deliver new jobs** – The Rotherham Economic Growth Plan includes a target to increase the amount of industrial and commercial floor space in the Borough by 12.9%. A lack of suitable new space is a barrier to businesses growth when companies are unable to find the premises they need to locate and grow in Rotherham.
- **Loss of planning appeals on greenfield and Green Belt sites** – The Council would not be able to demonstrate a five year supply of housing land. This would result in a significant risk of losing planning appeals on speculative development on greenfield and Green Belt sites. Indeed, the Council has recently lost an appeal on a greenfield site at Catcliffe on these grounds. The wider risk is that the Council is unable to direct the housing we need onto properly planned and sustainable sites; and the lack of developer certainty in the absence of an up-to-date Local Plan harms overall housing delivery.
- **Loss of planning appeals on Gypsy and Traveller sites** – The Council would not be able to demonstrate adequate provision for Gypsy and Traveller needs. This would risk the Council losing planning appeals on speculative Gypsy and Traveller sites. The Council is currently defending an appeal on a proposed Gypsy and Traveller site at Aston.
- **Risk of intervention by the Secretary of State** – The Secretary of State has a default power under the Planning and Compulsory Purchase Act 2004, section 27 (as amended) to prepare or revise and approve a development plan document for a local planning authority. If the Secretary of State considered that the Council were “failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document”, he has the power to impose a plan on the Council.

Recommended proposal

- 4.6 Option 1 is recommended, so that the Inspector's Main Modifications are approved for public consultation. This will enable the Council to continue the examination process and proceed to adopt the plan in due course. The Main Modifications are summarised at **Appendix 1**, with the full documents available as background papers to this report.

5. Consultation

- 5.1 Subject to Cabinet approval, it is proposed that public consultation on the Main Modifications will take place during January and February 2018. A schedule of Minor Modifications will also be published for information only as these are minor corrections not related to the soundness of the plan.
- 5.2 In line with the procedures governing the examination process, representations will be invited in relation to the soundness and legal compliance of the Main Modifications only. It will not be an opportunity to repeat previous comments or raise further points about the Sites and Policies Document, or to seek further changes beyond the Main Modifications. All duly made representations received will be forwarded to the Inspector.
- 5.3 Officers held a drop-in session for all members at the Town Hall on 13 June 2017. This covered the Main Modifications to the plan and the additional housing sites proposed in the Wath upon Dearne, Brampton Bierlow and West Melton area.
- 5.4 The Local Plan Sites and Policies document has been subject to extensive public consultation, over a number of years. Consultation has been tailored to each stage of the process but has typically involved a variety of methods, such as press adverts, radio interviews, letters, emails, public drop-in sessions around the Borough, member and parish briefings, web content, and hard copies in libraries.
- 5.5 At each stage of plan preparation, officers have carefully considered both the results of public consultation and the ongoing Integrated Impact Assessment (IIA) of the draft plan. Where consultation comments and the IIA have raised material planning considerations, officers have made appropriate changes to the draft policies and site allocations.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The Inspector will consider all duly made representations to the Main Modifications consultation and take them into account when writing his final report. The expectation is that the report will recommend that the Sites and Policies Document is sound, subject to the inclusion of his final wording of Main Modifications. The Council would then be able to proceed to adopt the Sites and Policies Document as modified.

- 6.2 Adoption of the Sites and Policies Document as part of the statutory development plan for Rotherham remains a decision to be taken by Cabinet and full Council, having regard to the Inspector's final report and officer recommendations at that time.
- 6.3 The timetable below shows the significant stages in the Local Plan process to date. It also gives anticipated dates for the remaining stages of the Sites and Policies Document examination and its eventual adoption. Dates shown for future stages are indicative and may change.

Date	Stage
2014	
September	Meeting of the full Council adopted the Core Strategy
October/ November	Public consultation on the Final Draft Sites and Policies Document
2015	
September/ November	Sites and Policies Document published for statutory six week consultation prior to submission to Secretary of State
2016	
March	Sites and Policies Document submitted to Secretary of State
July/ December	Inspector held public hearings to examine the plan
2017	
March	Council received Inspector's initial letter setting out Proposed Main Modifications to the plan and the requirement to identify and consult on additional housing sites in the Wath area
June	Council's Cabinet approved public consultation on additional housing sites in the Wath upon Dearne, Brampton Bierlow, West Melton area
July/ August	Public consultation for six weeks on additional housing sites in the Wath upon Dearne, Brampton Bierlow, West Melton area
October	Inspector held further public hearing on additional housing sites in the Wath upon Dearne, Brampton Bierlow, West Melton area
November	Council received Inspector's letter confirming Proposed Main Modifications for consultation
December	Council's Cabinet to consider Proposed Main Modifications for public consultation
Indicative timetable for 2018	
January/ February	Subject to approval, Council officers to carry out public consultation on Proposed Main Modifications for statutory six week period
Spring	Inspector to issue Final Report to the Council
Summer	Council's Cabinet to consider recommendation to full Council to adopt the plan as modified
Summer/ Autumn	Meeting of the full Council to consider adoption of the plan as modified

7. Finance and Procurement Implications

- 7.1 It is estimated that the costs of public consultation on the Main Modifications to the Sites and Policies Document will be approximately £5,000. This is principally for printing and postage costs. The costs of the public consultation will be met from existing approved revenue budgets.

8. Legal Implications

- 8.1 The preparation of the Local Plan has complied with the relevant legislation and the Town and Country Planning (Local Planning) (England) Regulations 2012. Once adopted, the Sites and Policies Document will form part of the statutory development plan for Rotherham and will be used to guide the determination of future planning applications.

9. Human Resource Implications

- 9.1 There are no Human Resource implications arising from this report.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no implications for Children and Young People and Vulnerable Adults arising from this report.

11. Equalities and Human Rights Implications

- 11.1 An Equalities Impact Assessment has been undertaken during the preparation of the Sites and Policies Document as prescribed by legislation. This assessment has been submitted to the independent examination as part of the Integrated Impact Assessment of the plan.

12. Implications for Partners and Other Directorates

- 12.1 There are no implications for Partners and Other Directorates arising from this report.

13. Risks and Mitigation

- 13.1 The Council may be open to legal challenge should the Local Plan not be prepared in accordance with the relevant legislation and regulations. Legal advice has been sought at appropriate stages, to minimise any risks. Further advice will be sought as necessary.

14. Accountable Officer(s)

Damien Wilson, Strategic Director, Regeneration & Environment

	Named Officer	Date
Strategic Director of Finance & Customer Services	Judith Badger	20/11/2017
Assistant Director of Legal Services	Dermot Pearson	22/11/2017
Head of Procurement (if appropriate)	Joanne Kirk	14/07/2017
Head of Human Resources (if appropriate)	John Crutchley	14/07/2017

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