

## Summary Sheet

### **Name of Committee and Date of Committee Meeting**

Cabinet and Commissioner Decision Making Meeting – 11 June 2018

### **Report Title**

Rotherham Local Plan: Adoption of 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

### **Report Author(s)**

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### **Ward(s) Affected**

All wards.

### **Executive Summary**

The report seeks approval for the Sites and Policies Document to be referred to Council for formal adoption as part of Rotherham's Local Plan. The document has been examined by an independent Planning Inspector and found to be "sound" subject to some changes. The Inspector's final report sets out these changes, known as Main Modifications.

### **Recommendations**

1. That the Inspector's final report and the recommended Main Modifications be noted.
2. That the Sites and Policies Document, as modified, be referred to Council for formal adoption as part of the Development Plan for Rotherham.

### **List of Appendices Included**

Appendix 1 The Inspector's final report on the examination of the Sites and Policies Document (including the recommended Main Modifications).

[https://www.rotherham.gov.uk/localplanexamination/downloads/file/893/rotherham\\_sites\\_and\\_policies\\_dpd\\_inspectors\\_report\\_and\\_appendix](https://www.rotherham.gov.uk/localplanexamination/downloads/file/893/rotherham_sites_and_policies_dpd_inspectors_report_and_appendix)

Appendix 2 Publication Sites and Policies Document (the version submitted for examination)

[http://www.rotherham.gov.uk/localplanexamination/downloads/file/2/sd02\\_publication\\_sites\\_and\\_policies\\_-\\_september\\_2015](http://www.rotherham.gov.uk/localplanexamination/downloads/file/2/sd02_publication_sites_and_policies_-_september_2015)

Appendix 3 Schedule of Minor Modifications to the Sites and Policies Document

[http://www.rotherham.gov.uk/localplanexamination/downloads/file/891/rmbc075\\_schedule\\_of\\_minor\\_modifications](http://www.rotherham.gov.uk/localplanexamination/downloads/file/891/rmbc075_schedule_of_minor_modifications)

### **Background Papers**

The Rotherham Sites and Policies Document examination website provides further detail of the process and hosts all related documents.

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

### **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

### **Council Approval Required**

Yes

### **Exempt from the Press and Public**

No

## **Rotherham Local Plan: Adoption of the Sites and Policies Document**

### **1. Recommendations**

- 1.1 That the Inspector's final report and the recommended Main Modifications be noted.
- 1.2 That the Sites and Policies Document, as modified, be referred to Council for formal adoption as part of the Development Plan for Rotherham.

### **2. Background**

- 2.1 The Council is preparing a Local Plan for Rotherham. This is the Development Plan for the Borough. 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.

### **3. Key Issues**

#### Inspector's final report

- 3.1 During 2016 and 2017, a Government Inspector has carried out an independent examination of the Sites and Policies Document. The Inspector issued his final report to the Council in April 2018, setting out his conclusions. 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. "Sound" means that the plan is positively prepared, justified, effective and consistent with national policy.

- 3.2 The Inspector’s changes (known as “Main Modifications”) are set out in his final report, which is available at **Appendix 1**. The Publication Sites and Policies Document (the version submitted to the Secretary of State for independent examination) is available at **Appendix 2**. Officers have also identified a number of minor changes and updates required to the document during the examination. The Inspector has confirmed these do not affect the soundness of the plan and can be changed as Minor Modifications, before publication of the adopted version. This Schedule of Minor Modifications is available at **Appendix 3**.
- 3.3 The Inspector’s final report has been published on the Council’s Local Plan examination website and interested parties have been notified. The examination is now closed.
- 3.4 The Inspector’s changes are fairly limited and he has accepted almost all of the proposed development sites in the plan. Key highlights are:

<b>All legal requirements met</b>	The Inspector has confirmed that the plan meets all the legal requirements, such as compliance with the local development scheme, consultation requirements, duty to cooperate, sustainability appraisal, habitats regulations assessment, national planning policy (NPPF), and the relevant Act and Regulations.
<b>Vast majority of sites accepted</b>	Nearly all the development sites proposed in the plan have been accepted by the Inspector. These can now come forward to provide the new homes and jobs the Borough needs.
<b>Windfalls accepted as housing supply</b>	Windfalls are new homes built on unallocated sites. Being able to include windfalls as additional flexibility in meeting the housing target avoids allocating more land.
<b>New Green Belt land at Thorpe Hesley</b>	Land at Thorpe Hesley has been protected by including it in the Green Belt.
<b>Gypsy and Traveller needs met</b>	The plan’s proposals to meet Gypsy and Traveller needs have been accepted by the Inspector.

#### Promoting growth

- 3.5 Adoption of the Sites and Policies Document, and the release of development land, will give a boost to the new homes and jobs the Borough needs. Over the plan period from 2013 to 2028, the plan provides for:

<b>83 sites for new homes</b>	Along with existing planning permissions, and housing sites under construction, these new sites will provide enough land for <b>958 new homes</b> a year to meet the Core Strategy target of around 14,000 new homes over the plan period. Some other sites allocated for mixed use will also provide some housing.
<b>36 sites for employment use</b>	These employment sites allow for expansion and inward investment to potentially create around <b>21,000 new jobs</b> over the plan period. This includes two sites identified as part of the Bassingthorpe Farm Strategic Allocation, a Special Policy Area at the former Maltby Colliery and three sites for mixed use development which will contribute towards the employment land requirement.
<b>1 site for Gypsy &amp; Traveller use</b>	This allocated site meets the need for Gypsy and Traveller provision identified for Rotherham.
<b>Bassingthorpe Farm</b>	Within the plan period, Bassingthorpe Farm should deliver over 1,100 new homes and 11 hectares of employment land. In total, this strategic site will eventually provide around 2,400 new homes.
<b>Waverley New Community</b>	The plan allocates Waverley as a Special Policy Area. It should continue to deliver around 180 new homes a year during and beyond the plan period. The site has planning permission for 3,890 new homes, of which 750 have been built to date.
<b>Safeguarded land</b>	In addition to these development sites, there are 15 areas identified as “safeguarded land”. This is land taken out of the Green Belt but held in reserve and not developed in this plan period, i.e. not before 2028. Identifying safeguarded land helps to retain the Green Belt boundary beyond the plan period. Any consideration of safeguarded land for development would require a review of the Local Plan.

### Protecting the environment

3.6 Along with promoting growth, adoption of the plan will also help protect the Borough’s environment. The Sites and Policies Document contains development management policies grouped under seven themes designed to meet the main aims of the Core Strategy, these are:

- To implement a strategy that **delivers new development in sustainable locations.**

- To deliver housing developments which **create mixed and attractive places to live**.
- To support developments, including business, industry, retail, leisure and tourism which **support a dynamic economy**, including Rotherham's network of retail and service centres.
- To **support movement and accessibility** within Rotherham through successful public and private transport networks, as well as encouraging walking and cycling.
- To **manage the natural and historic environment** to protect and enhance Rotherham's green infrastructure, bio and geo-diversity and water environments, as well as guide minerals related development and deal with flood risk.
- To **create safe and sustainable communities** by supporting safe, healthy, sustainable and well-designed places, as well as the delivery of renewable energy and appropriate community facilities.
- To **ensure that the necessary new infrastructure is delivered** to support the plan's spatial strategy and that decisions are taken with regard to the national presumption in favour of sustainable development.

#### 4. Options considered and recommended proposal

##### Option 1: The Council adopts the Sites and Policies Document as modified by the Inspector's Main Modifications

- 4.1 The Council has received the Inspector's final report, setting out the Main Modifications required to make the plan sound. The Council can now proceed to adopt the plan as modified. The Sites and Policies Document will then become 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 significantly 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 help 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.

## Option 2: The Council does not adopt the Sites and Policies Document

- 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 and not adopt the plan.
- 4.5 The Inspector's Main Modifications are required to make the plan sound. Without making these changes the Council cannot legally adopt the plan. Not accepting the changes and not adopting the plan would lead to uncertainty in the determination of planning applications. It would restrict the Council's ability to provide for the new homes and jobs the Borough needs. It would risk diverting the inward investment the Council seeks to secure for Rotherham. This could give rise to the following situations:
- **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).
  - **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. A lack of suitable new space is a barrier to businesses growth and investment 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 potentially on Green Belt sites, as has recently been demonstrated (e.g. the Council's refusal of a residential application at Blue Mans Way, Catcliffe was won on appeal due to the lack of a five year supply). The wider risk is that the Council is unable to direct the housing needed onto properly planned and sustainable sites; and that 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 expose the Council to the risk of losing planning appeals on speculative Gypsy and Traveller sites. The Council has recently successfully defended an appeal on a proposed Gypsy and Traveller site in the Green Belt at Aston, partly due to the fact that the Sites and Policies document allocates a preferred site for Gypsy and Traveller needs.

- **Risk of intervention by the Secretary of State** – The Secretary of State has a default power under section 27 of the Planning and Compulsory Purchase Act 2004 (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. The Council would also have to fund this intervention.

#### Recommended proposal

- 4.6 Option 1 is recommended, so that the Sites and Policies Document, as modified, is referred to Council for consideration for adoption.

### **5. Consultation**

- 5.1 The 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, including press adverts, radio interviews, letters, emails, public drop-in sessions, member and parish briefings, web content, and hard copies in libraries. The Inspector has concluded that the Council has complied with all the legislative requirements on consultation.
- 5.2 At each stage of plan preparation, officers have 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.
- 5.3 Following approval by Council, the Sites and Policies Document was submitted to central Government on 24 March 2016 (Council Meeting 16/9/15, minute 55 refers). The document has been examined by an independent Planning Inspector appointed by the Secretary of State. Public hearings for the examination were held from July to December 2016.
- 5.4 After the hearings, the Inspector 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 came 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.
- 5.5 Having held a further hearing session on 19 October 2017 to consider the comments made on the Wath area consultation, the Inspector accepted the two additional housing sites consulted on and included them in his Proposed Main Modifications.

5.6 Consultation on the Inspector's Proposed Main Modifications was approved by Cabinet (Cabinet 11/12/17, minute 88 refers) and was carried out between 8 January and 19 February 2018. All comments received on this consultation were forwarded to the Inspector.

## 6. Timetable and Accountability for Implementing this Decision

6.1 The Inspector has considered all duly made representations to the Proposed Main Modifications consultation and taken them into account when writing his final report. The report recommends that the Sites and Policies Document can be made sound, by applying the Main Modifications set out. The Council is now able to proceed to adopt the Sites and Policies Document, as modified.

6.2 The timetable below shows the significant stages in the Local Plan process to date. Dates shown for future stages are indicative.

Date	Stage
<b>2014</b>	
September	Meeting of the Council adopted the Core Strategy
October/ November	Public consultation on the Final Draft Sites and Policies Document
<b>2015</b>	
September	Meeting of the Council approved publication and submission of the Sites and Policies Document
September/ November	Sites and Policies Document published for statutory six week consultation prior to submission to Secretary of State
<b>2016</b>	
March	Sites and Policies Document submitted to Secretary of State
July/ December	Inspector held public hearings to examine the plan
<b>2017</b>	
March	Council received Inspector's letter setting out Proposed Main Modifications to the plan, including the requirement to identify additional housing sites in the Wath upon Dearne, Brampton Bierlow, West Melton 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
November	Council received Inspector's letter confirming Proposed Main Modifications for public consultation
December	Council's Cabinet approved public consultation on the Inspector's Proposed Main Modifications

<b>2018</b>	
January/ February	Public consultation for six weeks on Proposed Main Modifications
April	Inspector issued final report to the Council confirming Main Modifications required to make the plan sound
June	Council's Cabinet to consider recommendation to Council to adopt the plan as modified
June	Meeting of the Council to consider adoption of the plan as modified

## **7. Finance and Procurement Implications**

- 7.1 There are no specific implications associated with the decisions in this report. The costs associated with the adoption of the Sites and Policies Document will be approximately £2,500. This mainly relates to printing and postage costs and 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 (as amended). 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.
- 8.2 On adoption, the Sites and Policies Document will also replace the remaining saved policies of the Unitary Development Plan, which will be superseded in its entirety.
- 8.3 Article 3 of the Constitution sets out that the Development Plan is part of the policy framework. The approval or adoption of plans and strategies making up the policy framework is a function of the Council. As such, only a meeting of the Council can adopt the Sites and Policies Document, as it will form part of the Development Plan for Rotherham. Cabinet is asked to note the Inspector's final report and recommended Main Modifications. Cabinet is then asked to refer the Sites and Policies Document, as modified, to Council to consider its adoption as part of the Development Plan.
- 8.4 If the recommendations are accepted, the report to Council will recommend that the Sites and Policies Document, as modified by the Inspector's Main Modifications and the Minor Modifications, is adopted as part of the Development Plan for Rotherham. Council will then be asked to resolve that officers make the necessary changes to the Sites and Policies Document required by the Main Modifications, the Minor Modifications and any consequential changes to numbering, formatting and images prior to publication of the adopted Sites and Policies Document.

## **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 considered by the independent examination as part of the Integrated Impact Assessment of the plan.

## **12. Implications for Partners and Other Directorates**

12.1 Partners and other Directorates have been fully involved in the process of formulating the Local Plan.

## **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.

## **14. Accountable Officer(s)**

Damien Wilson, Strategic Director of Regeneration & Environment

Approvals obtained on behalf of:

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services	Jon Baggaley	10/4/18
Assistant Director of Legal Services	Dermot Pearson	8/5/18
Head of Procurement (if appropriate)	Kay Handley	10/4/18
Head of Human Resources (if appropriate)	John Crutchley	10/4/18

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