

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE
EXECUTIVE**

Date: **12th June 2017
20th June 2017**

Decision Type: Non-Urgent Executive Key

Title: **SUBMISSION OF BROMLEY'S DRAFT LOCAL PLAN**

Contact Officer: Mary Manuel, Head of Planning Strategy and Projects
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Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

- 1.1 This report seeks Development Control Committee's endorsement, and the Executive's agreement for the Draft Local Plan (Appendix A) accompanied by the required supporting documents and the schedule of suggested minor modifications (Appendix B) to be referred to Council to approve its submission to the Secretary of State for Communities and Local Government for Independent Examination.
- 1.2 The formal consultation on the Proposed Submission Draft Local Plan (PSDLP) was undertaken in November/December 2016 .The responses to the consultation are summarised in Appendix C. This consultation, was undertaken under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 on the PSDLP as agreed by the Executive in Summer 2016.
- 1.3 The Council is required to have an up to date Local Plan. The Government introduced powers in the 2016 Housing and Planning Act to intervene where local planning authorities are not making progress. The Submission of the Draft Local Plan forms the final stage of the preparation with the Inspector appointed by the Secretary of State leading the examination process after Submission. By Submitting the Local Plan the Council will make significant progress towards meeting the Government's requirement to have an up to date Local Plan.
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2. RECOMMENDATION(S)

2.1 That Development Control Committee

- a) Note the summary of representations (Appendix C) and the suggested minor modifications (Appendix B) in response to the Regulation 19 consultation on the Proposed Submission Draft Local Plan (Appendix A).**
- b) Recommend to the Executive that they agree the following documents as the main submission documents which form the Bromley Local Plan**

Proposed Submission Draft Local Plan (November 2016) (Appendix A – part 1)

Policy Map Sets (November 2016) (Appendix A – parts 2 and 3)

Bromley Local Plan – Schedule of Proposed Minor Modifications (June 2017) (Appendix B)

- c) Recommends to the Executive that they delegate authority to the Chief Planner in consultation with the Leader of the Council to approve the preparation of necessary further information and amendments to the Bromley Local Plan Proposed Submission Draft Local Plan : i) prior to or soon after submission of the Bromley Local Plan to the Secretary of State for Communities and Local Government for Independent Examination including the Regulation 22 documents and; ii) during the public examination in response to, for example, unexpected national policy changes.**

2.2 That the Executive

- a) Agrees the Draft Local Plan (Appendix A) forms the plan for Submission to the Secretary of State, and is accompanied by the Schedule of Suggested Minor Modifications (Appendix B) and the relevant supporting, background and technical documents.**
- b) Agrees to refer the Draft Local Plan to Full Council for approval for Submission to the Secretary of State for Communities and Local Government for Independent Examination,**
- c) Delegates authority to the Chief Planner in consultation with the Leader of the Council to approve the preparation of necessary further information and amendments to the Bromley Local Plan Proposed Submission Draft Local Plan : i) prior to or soon after submission of the Bromley Local Plan to the Secretary of State for Communities and Local Government for Independent Examination including the Regulation 22 documents and; ii) during the public examination in response to for example, unexpected national policy changes.**

Impact on Vulnerable Adults and Children

1. Summary of Impact:
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Corporate Policy

1. Policy Status: New Policy: The Local Plan when adopted by the Council will form part of the Development Plan for the Borough, together with the Bromley Town Centre Area Action Plan, and the London Plan. It will replace the saved policies of the UDP 2006
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration
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Financial

1. Cost of proposal: Estimated Cost £50-60k
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Planning Strategy and Projects
 4. Total current budget for this head: £32k and £37k
 5. Source of funding: Existing revenue budget 2017/18 and a carry forward sum of £37k subject to Executive approval.
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Personnel

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable:
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Procurement

1. Summary of Procurement Implications:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough-wide
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Ward Councillors have been engaged throughout the preparation of the Local Plan, informally and more formally including the five stages of external consultation. Comments have not been invited on the report as comments from the early engagement are reflected in the Draft Local Plan.
2. Summary of Ward Councillors comments: N/A

COMMENTARY

- 3.1 The Council is required to have an up to date Local Plan, and the Government introduced new powers in the 2016 Housing and Planning Act to intervene where local planning authorities have not made sufficient progress. In London these powers have been passed to the Mayor of London.
- 3.2 The Council has engaged the local community, residents, businesses, the voluntary sector and partner agencies at every stage of the preparation of the local plan. All consultation documents are accessible via the Council's consultation portal <http://bromley.objective.co.uk/portal> . The most recent, and formal stage of consultation the *Proposed Submission Draft Local Plan (PSDLP)* was undertaken in compliance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in November and December 2016.
- 3.3 The PSDLP (Appendix A) was agreed by the Council's Executive in Summer 2016 for consultation as the plan it intended, subject to consultation, to submit to the Secretary of State for Communities and Local Government for Independent Examination.
- 3.4 The consultation was extensive and in line with the Council's Statement of Community Involvement 2016.
 - Emails/letters to over 1500 contacts on the planning database advising of the consultation details. This includes statutory consultees, adjoining boroughs and partner agencies, residents associations and individuals, businesses and developers who have registered their interest in being consulted. Respondents to earlier consultations were encouraged to register to automatically receive notification of the consultation when it starts.
 - A dedicated webpage and links from the Council's home page www.bromley.gov.uk
 - Press releases and articles in the local papers and community newsletters.
 - An article and link to the webpage in the Council's business bulletin sent to over 2500 businesses.
 - Promotion of the consultation within the Civic Centre, and libraries, and community venues where possible.
 - Inclusion in 'Update' circulated to all Residents Associations.
 - Copies of the Draft Local Plan were available for inspection at the Civic Centre, Mottingham and Cotmandene Outreach Centres, Community House, all Bromley Libraries and Upper Norwood library.
 - Posters and flyers displayed in Council offices, and libraries, and circulated to partner agencies for distribution where appropriate.

- Presentation at the Annual Residents' Association Seminar.
- Promotion to all MyBromley account holders.

3.5 The Council received over 600 representations from over 200 individuals, groups or organisations. These are summarised in the Tables set out in Appendix B. Officers have analysed the representations received during the consultation period as well as undertaking discussions with key statutory bodies and stakeholders. The representations have been considered by the Local Development Framework Advisory Panel which has overseen and provided advice on the plan making process since its inception in September 2009.

3.6 Summaries of the representations are set out in the tables forming Appendix C. There is an index at the start of the appendix for ease of reference. A full set of responses is available in the Members' Room. The main issues arising in the representations include:-

a) Duty to Cooperate

Has the Council met the Duty to Cooperate by engaging positively with other local authorities and specified organisations and agencies?

b) Consultation procedures

In preparing the Local Plan, has the Council engaged effectively with local house builders?

Has consultation with local residents been adequate?

c) Housing supply methodology

Should the Council have done more to reduce the difference between Objectively Assessed Need and housing requirement target set in the London Plan?

Is the methodology for calculating housing supply robust?

Are particular sites deliverable or developable in the stated time frame?

Should the Council have proposed release of open space, including Green Belt, to boost its housing land supply?

d) Travellers

Do exceptional circumstances exist for the de-designation of Green Belt land to accommodate travellers?

e) Education

Is the methodology for arriving at the proposed site allocations robust?

Are there exceptional circumstances for de-designation of Green Belt and MOL for education use?

f) Transport

Can the Council justify the residential parking standards proposed?

g) Open space and natural environment

Are the proposed Local Green Spaces properly justified and why have additional ones not been added?

Have the proposed changes to Green Belt and MOL been properly justified?

h) Designated employment land

Is there adequate evidence for the designations to protect land for employment purposes?

i) Town centres/ retail

Do the retail and town centre policies include enough flexibility to support future changes?

j) Biggin Hill SOLDC

Are the exceptional circumstances for Green Belt release adequately justified?

Has enough land been included in the release?

k) Environmental challenges

Is the energy and carbon reduction policy appropriate and justifiable without compromising viability of development?

3.7 These issues are those which are likely to form the main focus of the examination. Included in this is the Mayor's representation which raises concern that the 'exceptional circumstances' do not exist for the release of Green Belt, and together with Transport for London that applying minimum residential parking standards is not in conformity with the London Plan. The Council has substantial evidence to support the very limited release of Green Belt for education and the Biggin Hill Strategic Outer London Development Centre (a London Plan designation) and more generally evidence to support the plan as a whole. The Local Plan is required to be in 'general conformity' with the London Plan, and the Inspector will need to be satisfied that there is a robust evidence and justification to vary policy from the London Plan in specific circumstances. The evidence base is available via the Council's website.

3.8 In response to the representations a limited number of minor modifications are being suggested for the Inspector to consider as part of the examination process. These have been considered and agreed by the LDFAP. In addition minor modifications have been identified to make factual corrections, amending typographical errors, minor rewording of the supporting text, and in a very few policies to help with ease in navigating and using the document. The schedule of these suggested minor modifications forms Appendix B. These modifications are considered minor –i.e. not significant in nature, and not affecting the policy framework of the plan or its interpretation.

- 3.9 If the Council wished to make any main modifications, which change the policies, or the interpretation of the policies, there would be a requirement to undertake further consultation prior to the Submission to the Secretary of State which would extend the process by approximately six months. The analysis of representations and discussion with statutory and other bodies has not led to the suggestion of any main modifications.
- 3.10 The new Local Plan is a key priority in Building a Better Bromley and will guide development in the Borough, and therefore it is proposed to submit the plan for examination as soon as possible following Council approval.
- 3.11 The documents required under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 to submit to the Secretary of State include:
- The Draft Local Plan and Policies Map
 - Duty to Co-operate Statement
 - Consultation Statement
 - Sustainability Appraisal

As soon as possible after submission the Council is required to make these documents available and to notify general and specific consultation bodies of their availability and give notice to those people who requested to be notified of the submission of the local plan to the Secretary of State that it has been submitted.

In addition, the Council may need to produce further information and documents in support of its submission such as self-assessments of soundness and legal compliance.

Next Steps

- 3.12 Subject to approval by the Executive and Full Council the Draft Bromley Local Plan will be submitted to the Secretary of State for Communities and Local Government in July 2017. An independent Planning Inspector will be appointed to undertake the Examination.
- 3.13 At the Examination the Inspector will look at the Draft Local Plan, the evidence supporting it and representations received at the Proposed Submission Draft Local Plan consultation (November – December 2016), and judge whether it is sound and whether it is legally compliant (including the need to be in general conformity with the Mayor of London's London Plan), whether it has met the statutory 'duty to cooperate' and assessment against the tests of 'soundness' set out in the National Planning Policy Framework (ie. that the plan should be positively prepared, justified, effective and consistent with national policy). The Inspector may suggest further modifications to the Draft Local Plan before it is adopted by the Council.

- 3.14 Following receipt of the Inspector's report and consideration of any recommended amendments, the final version of the Local Plan will be taken to the Executive and Full Council for adoption.
- 3.15 During the run up to the submission of the Plan and during its examination it may be necessary to make appropriate amendments to the document, for example, in response to changes to national and regional guidance, policy and advice.
- 3.16 One of the recommendations of this report seeks approval for the Chief Planner to provide further information or make further minor changes to the draft Local Plan in consultation with the Leader of the Council prior to, and during, the public examination on the Plan. This provides a mechanism for further explaining the Council's position that the PSDLP is sound and legally compliant and for making responses by the Council to events such as unexpected changes to national policy.
- 3.17 The latest Local Development Scheme (LDS) (November 2016) setting out the timescale for the preparation of the Local Plan included Nov/Dec consultation and indicated Submission in April 2017. The Council's website has been updated to provide details of the revised timescale for reporting to Members and Submission to the Secretary of State. The Local Development Scheme will be updated to reflect the Submission of the Draft Local Plan.
- 3.18 This report therefore seeks endorsement of Development Control Committee of the Draft Local Plan and supporting documents to be recommended to the Executive for approval to Full Council for submission to the Secretary of State for Independent Examination.
- 3.19 Key milestones

June 2017 Full Council considers Submission Draft Local Plan documents

July 2017 Submission of Draft Local Plan and supporting documents to the Secretary of State

Summer/Autumn 2017 Examination

November/December 2017 Draft London Plan consultation

Early 2018 Adoption of the Local Plan

2018 Commence review of Bromley Town Centre Area Action Plan

2018 Draft London Plan Examination

2019 New London Plan published

4 IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 There are no specific impacts on vulnerable adults and children. The Local Plan contains general proposals in relation to the provision of education sites and contains policies for the economic, social and environmental well-being of the Borough.

5 POLICY IMPLICATIONS

- 5.1 The Local Plan when adopted, together with other local development documents, including the Bromley Town Centre Area Action Plan, and the London Plan will form the Development Plan for the Borough.
- 5.2 Bromley 2020 as the Sustainable Community Strategy for the Borough was the starting point for developing the Vision and Objectives and earlier draft documents in the preparation of the emerging Local Plan. The Local Plan is required to be in general conformity with the National Planning Policy Framework (2012) and the London Plan (2016)

6 FINANCIAL IMPLICATIONS

- 6.1 The cost of the Examination in Public is expected to be approximately £50-60k. These costs can be met from the £32k budget for the Local Plan and the carry forward sum of £37k subject to approval by the Executive.

7 LEGAL IMPLICATIONS

- 7.1 The proposed Local Plan has been prepared in accordance with the relevant requirements in Part 2 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 7.2 Before submitting the proposed Plan to the Secretary of State for independent examination the Council must:
- (i) make a copy of the submission documents and a statement of the representations procedure available (reg. 35 of the 2012 Regulations); and
 - (ii) ensure that a statement of the representations procedure and a statement informing that the proposed submission documents are available for inspection are sent to each of the general consultation bodies as well as those specific bodies consulted earlier in the preparation of the Plan.
- 7.3 As a proposed development plan document, the draft Plan must be submitted to the Secretary of State for independent examination (s20, 2004 Act). The examination will determine whether the proposed Plan:

- (i) is 'sound', i.e. positively prepared, justified, effective and consistent with national policy;
- (ii) is legally compliant;
- (iii) satisfies the legal 'duty to cooperate'; and
- (iv) requires modifications.

Non-Applicable Sections:	Personnel, Procurement Implications
Background Documents: (Access via Contact Officer)	National Planning Policy Framework The London Plan 2011-2016 (and the EiP Inspector reports) Report DRR16/059 'Bromley's Proposed Draft Local Plan for Consultation' to DCC and Executive July 2016 Local Plan Evidence Base www.bromley.gov.uk/localplan Bromley's Planning Consultation Portal http://bromley.objective.co.uk/portal