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**Decision Maker:** **DEVELOPMENT CONTROL COMMITTEE  
EXECUTIVE  
COUNCIL**

**Date:** **Tuesday 15 January 2019  
Wednesday 16 January 2019**

**Decision Type:** Non-Urgent Executive Key

**Title:** **ADOPTION OF BROMLEY'S LOCAL PLAN**

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**Chief Officer:** Chief Planner

**Ward:** (All Wards);

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1. Reason for report

The Council has received the Inspector's Report (Appendix 1, Part 1) on the Draft Local Plan. The Inspector's Report concludes that, with the recommended Main Modifications (Appendix 1, Part 2), which were agreed by Executive, the Local Plan is sound and is capable of adoption.

The draft Local Plan (Appendix 2) was submitted for independent examination in August 2017, along with accompanying documents, including minor modifications and Proposals Map sets (Appendices 3 and 4). Details of relevant Council approvals are set out in the table below.

It is now at the Council's discretion to adopt the Local Plan, consistent with the Inspector's Report.

Appendix	Documents	Previous approval of documents by the Council
Appendix 1	Part 1 Inspector's Report	N/A
	Part 2 Main Modifications (recommended in the Inspector's Report for soundness).	<ul style="list-style-type: none"><li>• Development Control Committee (13<sup>th</sup> March 2018)</li><li>• Executive (28<sup>th</sup> March 2018)</li></ul>
Appendix 2	Proposed Submission Draft Local Plan	<ul style="list-style-type: none"><li>• Development Control Committee (12<sup>th</sup> June 2017)</li><li>• Executive (20<sup>th</sup> June 2017)</li><li>• Council (26<sup>th</sup> June 2017)</li></ul>
Appendix 3	Minor Modifications	
Appendix 4	Policies Map Sets (Part 1 and 2)	

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## **2. RECOMMENDATIONS**

**(a) That the Inspector's Report (Appendix 1) be noted**

**(b) Development Control Committee recommend to Executive and Council that**

**(i) the Proposed Submission Draft Local Plan (Appendix 2), including the Main Modifications (Appendix 1 part 2), minor modifications (Appendix 3) and the policies maps (Appendix 4), be adopted as the Local Plan for Bromley as consolidated.**

**(ii) the documents detailed in (i) be consolidated as outlined in para 3.11 for publication as The Bromley Local Plan,**

**(iii) the Bromley Unitary Development Plan (2006) is withdrawn, and the relevant policies in the Bromley Town Centre Area Action Plan are replaced (see para 1.2.19 of the Draft Local Plan).**

**that Executive**

**(i) agree the Proposed Submission Draft Local Plan (Appendix 2), including the Main Modifications (Appendix 1 part 2), minor modifications (Appendix 3) and the policies maps (Appendix 4), be adopted as the Local Plan for Bromley as consolidated.**

**(ii) agree that the documents detailed in (i) be consolidated as outlined in para 3.11 for publication as The Bromley Local Plan,**

**(iii) agree that the Bromley Unitary Development Plan (2006) is withdrawn, and the relevant policies in the Bromley Town Centre Area Action Plan are replaced as above.**

**that Council**

**(i) adopt the Proposed Submission Draft Local Plan (Appendix 2), including the Main Modifications (Appendix 1 part 2), minor modifications (Appendix 3) and the policies maps (Appendix 4), as the Local Plan for Bromley as consolidated.**

**(ii) determine that the documents detailed in (i) be consolidated as outlined in para 3.11 for publication as The Bromley Local Plan,**

**(iii) approve the withdrawal of the Bromley Unitary Development Plan (2006) and the replacement of relevant policies in the Bromley Town Centre Area Action Plan, as above.**

## Impact on Vulnerable Adults and Children

1. Summary of Impact:
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### Corporate Policy

1. Policy Status: New Policy:
  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: Less than 10k
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Local Plan Implementation
  4. Total current budget for this head: £32.4k
  5. Source of funding: Existing Revenue Budget for 2018/19
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### Personnel

1. Number of staff (current and additional):64fte
  2. If from existing staff resources, number of staff hours: N/A
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### Legal

1. Legal Requirement: Statutory Requirement None:
  2. Call-in: Not Applicable:
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### Procurement

1. Summary of Procurement Implications: No implications
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents in the Borough as well as those making planning applications for development in the Borough.
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

### **3. COMMENTARY**

#### **Background**

##### **Draft Local Plan submission and examination**

- 3.1 Following recommendations at Development Control Committee and Executive, Full Council on 26 June 2017 approved the submission of Bromley's Draft Local Plan (The Plan) to the Secretary of State for independent examination. 'The Plan' comprised the Proposed Submission Draft Local Plan and minor modifications. A Planning Inspector was subsequently appointed to consider whether The Plan has been produced in accordance with legal requirements, and whether it is "sound" – that is, whether it is:
- Positively prepared – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements,
  - Justified – the most appropriate strategy given the reasonable alternatives,
  - Effective – deliverable and based on joint working across boundaries, and
  - Consistent with national policy – to enable the delivery of sustainable development in accordance with the National Planning Policy Framework (NPPF).
- 3.2 The revised NPPF came into effect in July 2018. However, it includes a transitional provision whereby, for the purpose of examining Bromley's Plan, the policies of the 2012 NPPF are applicable. Unless stated otherwise, NPPF references in this report are to the 2012 document. Previous versions of the Planning Practice Guidance (PPG) also continue to apply to Local Plans during the transition period in respect of applying policies in the 2012 NPPF.
- 3.3 Local Plans in London are also required to be in general conformity with the London Plan. The draft New London Plan (NLP) is currently under examination and has limited weight since its policies are not yet finalised. The Inspector therefore examined Bromley's Local Plan with regard to its conformity with The London Plan 2016.
- 3.3 Public Hearing sessions took place at the Civic Centre during December 2017.

##### **Main Modifications**

- 3.4 The Inspector requested a review of the submitted minor modifications to determine whether any should be classified as Main Modifications and therefore subject to consultation. Additionally, further Main Modifications were proposed by the Council, in response to the public hearings. All the Main Modifications (Appendix 1 Part 2) were approved by Executive for consultation (28<sup>th</sup> March 2018) and then subject to public consultation over a six-week period (Summer 2018). The consultation responses were sent to the Inspector for her consideration.

##### **The Inspector's Report**

- 3.6 The Inspector has assessed The Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). Her report (Appendix 1, Part 1) considers first whether the Plan's preparation has complied with the duty to co-operate, then whether the Plan is sound and whether it is compliant with other policies, duties and legal requirements.
- 3.7 Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings the Inspector identified ten main issues upon which the soundness of the Plan depends. These main issues included policies for:
- housing growth and affordable housing,
  - transport, including parking
  - valued environments, including Green Belt

- 3.8 The report concludes that whilst the submitted Plan had deficiencies, the Main Modifications proposed by the Council and now recommended by the Inspector (unchanged), address the issues of soundness.

### **Report Recommendation and Next Steps**

- 3.9 The Inspector advises that, with the recommended Main Modifications appended to her report (Appendix 1 Part 2), the Bromley Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. With the Inspector's recommendation the Council can adopt the Plan.
- 3.10 An adopted Local Plan will provide a robust justification for the Council's response to planning applications and appeals. It will also inform the preparation of other Development Plan documents.
- 3.11 The date of adoption would be the Council decision date. Following adoption, it will be necessary to consolidate the Proposed Submission Draft Local Plan (Appendix 2), the Inspector's Main Modifications required for soundness (Appendix 1 Part 2), and the submitted minor modifications (Appendix 3). In addition, consequential minor changes such as the removal of the word 'draft', and the date of adoption, will be made in order to publish the single Local Plan document. The Policies Map will also need to be consolidated and finalised (Appendix 4).

## **4. POLICY IMPLICATIONS**

- 4.1 The Local Plan, when adopted, will replace the Unitary Development Plan (2006) and be used alongside the Bromley Town Centre Area Action Plan (AAP) and the London Plan for determining planning applications in the Borough. The entire UDP will be withdrawn on adoption of the Local Plan and some policies in the AAP will be replaced (see para 1.2.19 of the Draft Local Plan).
- 4.2 Full weight can be afforded to the Local Plan from the date of adoption. This is relevant to current appeals which must be determined on the basis of the Development Plan as it exists at the time of the Appeal Inspector's (or the Secretary of State's) decision, not as it was at the time of the Council's decision. If adoption changes the policy position, the relevant Inspector(s) should take that into account.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 There will be printing and publishing costs associated with the production of the final version of the Bromley Local Plan. These are estimated at less than £10k and can be met from the Local Plan Implementation budget of £32.4k.

## **6. LEGAL IMPLICATIONS**

- 6.1 The Local Plan has been prepared in accordance with the Planning & Compulsory Purchase Act 2004 (as amended), and other relevant legislation such as the Equality Act 2010. In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, The Plan has been the subject of consultation, examination and modification.
- 6.2 Under the provisions of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), it falls to Council to adopt the Local Plan following submission of the Plan to it by the Executive.

<b>Non-Applicable Sections:</b>	<ul style="list-style-type: none"> <li>• Impact on vulnerable adults and children</li> <li>• Personnel Implications</li> <li>• Procurement Implications</li> </ul>
Background Documents: (Access via Contact Officer)	<p>Reports DRR17/026 &amp; CSD17088 'Submission of Bromley's Draft Local Plan' (26<sup>th</sup> June 2017)</p> <p>Report DRR18/009 'Bromley Draft Local Plan Examination – Approval for Main Modifications Consultation' (28<sup>th</sup> March 2018)</p> <p>Local Plan Examination Documents  <a href="https://www.bromley.gov.uk/info/200151/local_plan_examination">https://www.bromley.gov.uk/info/200151/local_plan_examination</a></p>