

Committee:	Council	Date:	
Title:	Supplementary Report to Item 2: Regulation 19 Pre-Submission Local Plan	19 June 2018	
Report Author:	Roger Harborough Director of Public Services 01799 510457	Item for decision:	Yes

Summary

1. This report provides members with revised recommendations as that contained in the main report at paragraph 2 is incorrect and on the basis that cabinet have now recommended the plan to council, a further recommendation should be inserted.
2. The report further provides members with an update following the Executive's consideration of the Regulation 19 Pre-Submission Local Plan on 12 June 2018, which was held after the publication of the main agenda.

Revised Executive Recommendations to Council

3. Recommendations 1 and 2 below replace the first recommendation as set out in the main report at paragraph 2; recommendations contained in paragraphs 3-7, as set out in the main report, have been reproduced for ease of reference and all recommendations have been numbered to further aid members:

Recommendation 1: That Council notes the amendments recommended by Cabinet and the Leader to the draft Local Plan at, and following, the Cabinet meeting on 12 June 2018.

Recommendation 2: That Council, being satisfied that the preparation of the Local Plan has complied with the relevant regulatory requirements and being of the view that the Regulation 19 Pre-Submission Local Plan document is ready for submission to government for independent examination, approves the Regulation 19 Pre-Submission Local Plan recommended by the Leader and Cabinet for publication in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

Recommendation 3: That following the conclusion of the Regulation 19 publication period, the Local Plan be submitted to the Secretary of State for Independent Examination under section 20 of the Planning Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"), together with the submission documents prescribed by Regulation 22 of the 2012 Regulations before 31 March 2019.

Recommendation 4: That the Director of Public Services, in consultation with the Environmental Services Portfolio Holder, be authorised to make non-material typographical, formatting, mapping and other minor amendments to the Plan prior to the submission of the Plan to the Secretary of State.

Recommendation 5: That the Director of Public Services be authorised to write to the Local Plan Inspector appointed to carry out the Examination of the submitted Local Plan ("the Local Plan Inspector") asking him/her to recommend such modifications of the submitted Local Plan as may be necessary to make the Plan sound and legally compliant, in accordance with section 20(7C) of the 2004 Act.

Recommendation 6: That the Director of Public Services, in consultation with the Environmental Services Portfolio Holder, be authorised to submit a schedule of proposed main modifications of the submitted Local Plan to address any issues relating to soundness and legal compliance identified by the Local Plan Inspector; and

Recommendation 7: That the Local Plan Submission Version 2018 be endorsed as a material consideration to be used in the determination of planning applications and enforcement decisions to be given appropriate weight in accordance with paragraph 216 of the National Planning Policy Framework.

Record of decisions agreed by the Executive

4. At their Cabinet's consideration of the Regulation 19 Pre-Submission Local Plan plan at their meeting on 12 June, they decided that:

Cabinet was satisfied that the preparation of the Local Plan had complied with the relevant regulatory requirements and were of the view that the Regulation 19 Pre-Submission Local Plan document is ready for submission to government for independent examination, and therefore recommended to Full Council that the Regulation 19 Pre-Submission Local Plan be published in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

5. It should be noted that the Leader subsequently made an executive decision to recommend further amendments to the Local Plan, as set out in Enclosure 4 to this report.

Financial Implications

6. There are no financial implications arising from this report.

Background Papers

7. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

Situation

8. Cabinet met on 12 June 2018 to consider the Regulation 19 Pre-Submission Local Plan document. They were addressed by 10 members of the public,

some in their capacity as parish council representatives and two ward councillors, not being members of the Executive.

9. Cabinet also considered tabled papers relating to the below issues. Cabinet recommended all of these changes be incorporated into the Local Plan for Full Council.
 - i. A number of changes to the Garden Community Policies and supporting text following representations made by Historic England and proposed by Councillor Rolfe. These amendments are set out in Enclosure 1.
 - ii. A number of changes to the Garden Community Policies, supporting text and employment policies proposed by Councillor Redfern. These amendments are set out in Enclosure 2.
 - iii. A number of changes to the Airport Policy and supporting text put forward by Councillor Dean and proposed by Councillor Barker. These amendments are set out in Enclosure 3.

Additional changes

10. Public speakers and ward members at Cabinet raised issues on a number of sites included, or not included, in the Local Plan that the Leader of the Council Councillor Rolfe committed to consider following Cabinet. Subsequently, having considered the comments made, sought the views of those Cabinet Members present at the meeting and taken advice of officers, Councillor Rolfe has decided to make changes in relation to three of the sites raised. These changes are set out below:
 - iv. Amend Debden – Land west of Thaxted Road, Debden (DEB1) to reflect the position in the draft local plan prepared for Regulation 18 Town and Country Planning (Local Planning) (England) Regulations 2012 consultation.
 - v. Remove Great Dunmow – site of former Bardfield House, Church End, Great Dunmow (GtDUN5)
 - vi. Amend Newport – Land at Bricketts, London Road, Newport (NEWP2) to reflect the position in the draft local plan prepared for Regulation 18 Town and Country Planning (Local Planning) (England) Regulations 2012 consultation.
11. Public speakers and ward members had also referenced further changes regarding sites on which the Leader has reflected, sought the views of those Cabinet Members present at the meeting and taken advice of officers. The Leader has decided not to make changes in regard to these.
12. For ease of reference, the Leader's decision notice in respect of all of these considerations is set out in Enclosure 4 to this report.

13. The above amendments to the sites results in the loss of 48 dwellings from the housing supply; this affects the overall housing supply in the plan, reducing it to 14,629 homes. These changes also affect the five year land supply the Council is able to demonstrate. Using the Liverpool methodology with a 5% buffer, the plan is now able to demonstrate a five year land supply of 5.85 years. Using the Liverpool methodology with a 20% buffer, the plan is now able to demonstrate a five year land supply of 5.11 years. While reducing the overall margin and five year land supply, particularly when calculated using the 20% buffer, these remain acceptable.
14. Due to the numerous changes to chapter 3, an updated version of this chapter incorporating the above changes will be published in time for Full Council.

Sustainability Appraisal

15. The Sustainability Appraisal is being updated to reflect the changes from PPWG and Cabinet; the updated Sustainability Appraisal will be published in time for Full Council on the Council's website [here](#).

Habitats Regulation Assessment

16. Work on the Habitats Regulation Assessment is drawing to a conclusion; the updated Habitats Regulation Assessment will be published in time for Full Council on the Council's website [here](#).

Risk Analysis

17.

Risk	Likelihood	Impact	Mitigating actions
The amendments to the plan cause it to be found unsound	1. Officers have developed an evidence based plan that seeks to meet the full growth requirements of the District. Members have had regard to the representations made by the public in striking the planning balance, which is a valid	2. Any soundness issues could be mitigated by modifications through the examination process.	Notify the promoters of the sites affected by the changes to enable them to make representation to Council. Cabinet and the Leader have taken advice from officers and given all relevant matters full consideration relating to the individual merits of the sites.

	consideration in preparing a local plan		
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- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.