

Test Valley Local Development Scheme

Report of the Planning Portfolio Holder

Recommended:

That the Test Valley Local Development Scheme be progressed in accordance with the revised scope and timetable set out in section 5 of the Report.

SUMMARY:

The purpose of this report is to seek approval to amend the Local Development Scheme to reflect the amended scope and timetable for the draft Local Plan.

1 Introduction

- 1.1 The Council has commenced the process of preparing the draft Local Plan. The Council adopted its current Local Development Scheme (LDS) in November 2023, which sets out the approach and timetable the Council will follow in the preparation and adoption of planning policy documents, including the draft Local Plan. The most recent stage in the development of the draft Local Plan preparation was a Regulation 18 Stage 2 full draft plan for which consultation was undertaken between 6 February and 2 April 2024, which included proposed site allocations to meet development needs and development management policies.
- 1.2 The purpose of this report is to set out the reason for now needing to review the timetable for preparing the draft Local Plan going forward due to the revised National Planning Policy Framework (NPPF) and significant uplift in housing requirement. It therefore recommends approval of a revised scope and timetable within an updated LDS to consider the scope and re-scheduling the timescale to now include an additional Regulation 18 draft, to be then followed by Regulation 19 draft and future stages at later dates.

2 Background

- 2.1 It is a legal requirement for the Council to publish a LDS, setting out the approach and timetable for preparing future Development Plan Documents (DPD) which form part of the Development Plan, and to keep it up to date.
- 2.2 The revised NPPF together with a revised standard method of calculating local housing need were published by Government on 12 December 2024. The Government's position has increased the number of homes the Council needs to plan for. Given the scale of new development the Council will need to repeat a consultation and this necessitates a review of the scope and an amended timetable.

- 2.3 Furthermore, on 13 December 2024 the Ministry of Housing, Communities and Local Government (MHCLG) Chief Planner wrote all local planning authorities to require an update to their LDS timetable for draft local plan preparation by 6 March 2025 (within 12 weeks of publication of the NPPF), reflecting the impact of these changes. The updated LDS should be clear, realistic and include specific dates (rather than calendar quarters) for consultation and submission of the local plan.
- 2.4 Whilst the NPPF includes transitional arrangements, which have been amended from those proposed in the July 2024 draft, the Council is unable to utilise these. In order to be able to continue as existing, the Council would need to have reached Regulation 19 stage by 12 March 2025, and be planning for a housing figure within 80% of the revised standard method figure of 934 homes per year. At Regulation 18 Stage 2 we were proposing 550 homes per year, which was in line with the standard method figure in place at that time under the previous methodology. Therefore, as we are not at a sufficiently advanced stage, nor have a high enough housing figure in the draft local plan, an alternative timetable now needs to be considered.
- 2.5 The current LDS states the next stage of preparing the draft Local Plan, a final draft Regulation 19 consultation, was scheduled for 2025 Quarter 1. However, in light of the above national policy changes, it is no longer possible for the Council to progress on this basis, in its current form or timetable. These significant changes in national planning policy, together with the requirement for an updated LDS and draft local plan timetable are major changes which the draft local plan needs to take account of, which lead to the need for a revised scope and timetable.
- 2.6 However, having undertaken and consulted upon a full first draft local plan at Regulation 18 Stage 2 and having prepared a wide-ranging supportive evidence base, we can build upon this going forward.

3 Corporate Objectives and Priorities

- 3.1 The Local Plan is a key policy document for the Council in respect of delivering our corporate objectives set out within the Corporate Plan 2023-27 and has continually been identified within the Corporate Action Plan. It will set out the planning policy framework for the spatial aspects of delivering: sustainability to meet our communities' needs, protecting and enhancing our natural environment including biodiversity and the environmental impacts of development, and prosperity and economic growth to achieve a robust local economy for residents and businesses, protecting and enhancing the environment, and making provision for new housing, employment, community facilities and other land uses, to meet the needs of our communities. It will have a key role in delivering the Council's priorities through providing a planning policy framework to support:
- emerging proposals of the town centre masterplans,
 - actions needed to address the climate emergency, and
 - place-based community focused priorities.

- 3.2 The Local Plan will sit alongside current and future community-led Neighbourhood Plans, in providing the future Development Plan for the Borough.

4 Options

- 4.1 The key options for the timetable for the draft Local Plan are as follows:
- Option 1 Approve recommended revised scope and timetable and continue to progress draft local plan;
 - Option 2 End progress with the current draft local plan, and instead prepare an alternative local plan under the new plan making system; or
 - Option 3 Progress the draft local plan with an alternative more rapid timetable

5 Option Appraisal

- 5.1 The revised timetable for preparing the draft Local Plan is considered necessary to ensure that we can continue to move forward as quickly as possible, whilst minimising the risk of having the plan found unsound at examination.
- 5.2 The significant increase in our local housing need, due to the revised NPPF and standard method calculation, leads to the need to add more housing sites for allocation in the draft local plan. However, we would not be starting from the beginning, as a significant amount of work has already been undertaken on the existing proposed site allocations, plus a draft evidence base. This evidence base, together with the representations and site submissions made can be used to inform the next stage as well as future stakeholder engagement.

Option 1

- 5.3 A further draft Regulation 18 consultation is recommended which would cover responding to the increase in the standard method and focusing on additional proposed development allocations to seek to meet this. This would include a review of the spatial strategy, settlement hierarchy and development sites for housing. The remainder of the content of the plan as previously included within the Regulation 18 Stage 2 draft would continue to represent the policy direction of the Council. This would include the draft development management policies, which would not be revised at this stage.
- 5.4 The Regulation 19 full draft plan would then follow to provide a comprehensive final draft plan including development needs and infrastructure requirements resulting from the additional increase in housing and population, and strategic and development management policies. This would be accompanied by undertaking a comprehensive update of the evidence base as relevant, including reflecting the cumulative impact of a higher scale of housing (for example on transport modelling and air quality

modelling), to ensure this remains up to date. This updated evidence would be used to further inform and review the consideration of the additional proposed development allocations, as relevant. This would also allow for account to be taken of the proposed national development management policies which are expected to be consulted upon later in 2025, as relevant.

- 5.5 The revised timetable would therefore be amended to include an additional draft Regulation 18 consultation in 2025 Quarter 3. The final draft Regulation 19 consultation, previously scheduled for 2025 Quarter 1 would then instead be undertaken in 2026 Quarter 2. The dates for Submission, Examination and Adoption would also consequently be put back to 2026 Quarter 3, 2026 Quarter 4 and 2027 Quarter 4 respectively. This would enable the draft plan to be submitted for examination by the 31 December 2026 revised deadline, for it to be prepared under the current plan making system. Due to the degree of uncertainty and in order to provide flexibility, the assumed specific date is the end of each respective quarter, although it could be earlier if this is achievable.
- 5.6 The plan period would also be amended from 2020-2040 to 2025-2042 to reflect the new timetable, and to look forward over a 15 year period from the expected date of adoption. The proposed timetable needs to ensure that we meet this requirement.
- 5.7 The NPPF (para.11) sets out that where the most important policies for determining planning applications are out of date a 'presumption in favour of sustainable development' applies. As the local plan ages and fresh guidance/new case law is produced there may be increased challenge from applicants/developers that the policies are out of date. This risk will remain until the emerging Local Plan is adopted. The material weight of those policies continues to be monitored against other considerations e.g. national guidance or case law. However, a longer timetable or progressing under the new plan making system, would increase these potential risks due to the resulting longer timescale to adoption.
- 5.8 The revised NPPF and standard method of calculating local housing need has also resulted in the Council no longer being able to demonstrate a 5 year housing land supply (5YHLS) as at 1 April 2024 and the housing requirement of the adopted local plan is now out of date. The absence of a 5YHLS means (NPPF footnote 8) that the presumption in favour of sustainable development is triggered when determining planning applications for housing (NPPF Para.11d) unless there would be a strong reason for refusal based upon the protection of environmental assets or areas of particular importance, or adverse impacts would significantly and demonstrably outweigh the benefits assessed against the NPPF. Progressing with the recommended option for the draft local plan will enable to Council to bring additional sites forward for housing allocation through the further draft Regulation 18 consultation. In due course, these will contribute towards supporting future housing supply, once the local plan is adopted, or when these receive planning permission.

- 5.9 The recommended option is based on achieving an adopted local plan as quickly as practicable, in a manner which reflects the implications of the December 2024 changes in national policy. However, it is still important to make progress with the Council's local plan, based upon the current system. Not to do so would not provide plan led certainty for our communities.
- 5.10 The proposed revised timetable is considered achievable and appropriate to progress the draft local plan to the next stages. It represents the least risk in getting a local plan adopted under the current plan making system and thus reduces the risk of not meeting the deadline for submission by the end of 2026 to be examined under the current system. The current timetable and recommended amended timetable are set out in Table 1 below.

Table 1: Options for Local Plan Proposed Timetable

Timescale#		Recommended Revised scope and timetable	Current timetable (LDS - November 2023)
2025 Q1			Democratic Sign Off and Public Consultation on Regulation 19
2025 Q2			Submission
2025 Q3	30 Sep 2025	Revised Regulation 18*	Examination
2025 Q4			
2026 Q1			
2026 Q2	30 Jun 2026	Regulation 19*	Adoption
2026 Q3	30 Sep 2026	Submission	
2026 Q4	31 Dec 2026	Examination**	
2027 Q1			
2027 Q2			
2027 Q3			
2027 Q4	31 Dec 2027	Adoption	

#This is expressed by both Quarter and the date of the end of the Quarter, as MHCLG has requested specific dates for each stage (excluding Examination) to be provided as part of an updated LDS by 6 March 2025

**Public consultation may extend into the next Quarter*

***Following Submission, the progress of the Local Plan is dependent on the Planning Inspectorate (PINS). Therefore, it is anticipated Examination would start in this Quarter however it is likely to extend into subsequent ones*

- 5.11 Proceeding with the current timetable is not an option, as we do not meet the transitional arrangements, and to do so would not be compliant with the revised national planning policy. For the reasons set out above, option one is the recommended option.
- 5.12 The LDS document would also be amended to include other relevant updates, for example the current list and status of Neighbourhood Plans, Village Design Statements (VDS) and Supplementary Planning Documents (SPD) and latest summary details of other planning policy documents.

Option 2

- 5.13 The new plan making system under the Levelling-up and Regeneration Act 2023, is not yet in place, but is expected to be implemented in summer/autumn 2025. This would introduce a 30 month period for local plans to be prepared and examined. The alternative option to instead progress under the new system would lead to a further delay and need for the plan making process to start again, rather than building upon the significant progress already made. This would also have additional resource implications.

Option 3

- 5.14 The recommended timetable (Option 1) is based upon officers' experience of working through the stages of plan preparation and consultation, and preparing the evidence base etc. and to do so more quickly would not give sufficient time for the Council to progress in a robust and sound manner and is considered unrealistic.

6 Risk Management

- 6.1 Failure to agree and implement up to date strategic and local planning documents is recorded as a risk in the Council's Corporate Risk Register. A factor affecting this risk is the time frame for consultation and undertaking the relevant evidence to ensure an iterative plan making process is undertaken to inform the production of the draft Local Plan. Approval of the proposed scope and timetable and update of the Local Development Scheme would therefore contribute to the mitigation of this risk.

7 Resource Implications

- 7.1 There are additional resource implications from the recommended change to the LDS and draft Local Plan timetable, due to the need for preparing and consulting upon an additional Regulation 18 draft stage, plus further updating of the evidence base. The existing LDF budget can cover immediate resource implications of consultation. Quantifying the additional budget required to undertake the additional evidence base studies is in progress and will be reflected in any future budget setting process.

8 Legal Implications

- 8.1 A Local Development Scheme is required under Section 15, Planning and Compulsory Purchase Act 2004 (as amended by Planning Act 2008 and Localism Act 2011) and should be kept up to date.
- 8.2 Following publication of the revised NPPF in December 2024, MHCLG also require that an updated Local Development Scheme timetable for the draft Local Plan is agreed, published and provided to them by 6 March 2025.

9 Equality Issues

- 9.1 The recommended action results in no impacts on protected groups.

10 Other Issues

10.1 Community Safety – N/A

10.2 Environmental Health Issues – N/A

10.3 Sustainability and Addressing a Changing Climate - Sustainability is a fundamental element of the planning system and is incorporated within any future planning decision. In addition, the Council is required to undertake a Sustainability Appraisal (SA) on the proposals within the Local Plan to ensure sustainability is embedded within the Local Plan. Both mitigation of the impact of development on climate change, and adaption to the impacts of climate change, will be issues which the Local Plan will seek to take into account, as well as responding to the declared climate emergency.

10.4 Property Issues – N/A

10.5 Wards/Communities Affected - All

11 Conclusion

11.1 The report outlines the reason for reviewing the scope and timetable for the draft Local Plan, due to the revised NPPF. In light of these, it recommends a revised scope and timetable to be reflected within an updated Local Development Scheme, along with other relevant updates to the Local Development Scheme.

Background Papers (Local Government Act 1972 Section 100D)

[National Planning Policy Framework \(December 2024\)](#)

[Government response to proposed reforms to the National Planning Policy Framework and other changes to the planning system including revised standard method of local housing need \(December 2024\)](#)

[MHCLG Chief Planner letter to Chief Planning Officers \(13 December 2024\)](#)

[Test Valley Borough Local Plan 2016 \(January 2016\)](#)

[Draft Test Valley Local Plan 2040 Regulation 18 Stage 2 \(February 2024\)](#)

[Test Valley Local Development Scheme 2023 \(November 2023\)](#)

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	None	File Ref:	pp1
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(Portfolio: Planning) Councillor P Bundy

Officer:	David Bibby/Clare Roberts	Ext:	8105/8110
Report to:	Cabinet	Date:	26 February 2025