

Independent Examination of the Gedling Local Plan Planning Document (Part 2 Local Plan)

Matter 1: Legal Compliance, including the Duty to Cooperate

Issue 1a Legal compliance with respect to the Local Development Scheme

Whilst it may appear that the Plan has been prepared in accordance with the Local Development Scheme (Sept 2016) and that the scope of the Plan which is to identify non-strategic site allocations and to set out development management policies has been met, this disguises major flaws in the planning process, particularly where Green Belt authorities are concerned and the need for the Local Plan when adopted to significantly boost the supply of housing and to ensure the delivery of a robust five year housing land.

Unfortunately the LDS merely sets out timescales for the preparation of Local Plan documents at a particular moment in time – there is no legal basis to enforce timescales for plan production set down in LDS's which are regularly updated to suit changing circumstances and delays in the planning process. In this regard Gedling is no different to other authorities throughout the country. As such it is not surprising that boosting the supply of housing, particularly in those authorities with Green Belts and establishing a robust 5 year housing land supply is proving to be extraordinarily challenging, and in the case of Gedling one which has deteriorated significantly since the ACS was adopted.

In Gedling the latest LDS updates the February 2016 version which also updated earlier versions. Indeed it is worth reminding everyone of the timescale for the production of the Local Plan Part 2 at the time of the ACS Public Examination ((October 2013 to February 2014). At that time the Borough Council recognised the urgency of bringing forward both strategic and non strategic site allocations to boost the supply of housing. Just prior to the commencement of the Public Examination (15th October 2013 and 13th February 2014), the Council published its Local Plan Part 2 Issues and Options Report (October 2013) which set out potential non-strategic site options to fulfil the Borough's housing requirements in accordance with Policy 2 Spatial Strategy of the ACS. This Report also set out the timescale for producing its Local Plan Part 2 DM Policies and Site Allocations Document. It showed the Draft Plan being submitted by December 2014, followed by an examination in April 2015 and adoption in December 2015. We are now 2 years further down the line, have just reached the Public Examination stage, and housing land supply has plummeted to just over 3 years.

In agreeing to the Council's housing trajectory based on the 'Liverpool' method whereby it was acknowledged that housing supply would be limited to well below the annual average provision for the plan period over the short term would be limited, the Inspector effectively gave the ACS Councils' a window of opportunity to increase its housing land supply by bringing forward their Part 2 Local Plans quickly. This opportunity has been missed, not just by Gedling, but also by the other authorities, who are slipping even further behind.

Whilst it might be argued that the delay can be attributed to the Judicial Challenge following adoption of the ACS, progress on the Part 2 Local Plan could have continued in parallel with the JC process, and adjustments/amendments if necessary made upon the conclusion of the JC.

Thus, whilst it might be argued that technically the Plan has been prepared in accordance with the LDS, it seems that the LDS can always be updated and changed to ensure that the Plan is prepared in accordance with the LDS, but process driven delays do not address the fundamental requirement to significantly boost the supply of housing.

In business if you agree to a timetable and deadlines your clients expect you to stick to them otherwise you get penalised.

Issues 1b: No comment.

Issue 1c: Legal compliance with respect to Sustainability Appraisal (refer also Matter 2)

Whilst the Local Plan maybe technically compliant with respect to Sustainability Appraisal, the SA process and methodology adopted is complex, contains too many variables and is very detailed, difficult to digest and draw conclusions from, and is not user friendly – for professionals and laymen alike. Having regard to the housing site allocations and the assessment of reasonable options for housing, there appears to be very little to choose between the sites in terms of their major and minor positive and negative effects.

It would perhaps be easier to follow and understand if:

- Variables were grouped under three headings to reflect the three roles to sustainable development as set down in the NPPF 9at para 7) – an economic role, social role and an environmental role;
- For any ‘red card’ issues to be identified which may disqualify a site from being considered further;
- For the site allocations and reasonable options to be easily compared and ranked by location in accordance with the priorities set down in Policy 2 Spatial Strategy of the Core Strategy.
- The report was reduced in size – it is only 184 pages long, and for the summary to provide a 1-2 page colour coded summary of the site’s analysis.

Issue 1f: Legal Compliance with respect to National Policy

Whilst I consider that the Plan is generally in accordance with the NPPF and as far as I am concerned there are no gaps in policy coverage, I am concerned that the Plan fails to adequately address the requirements of Paras 14 and 47 of the NPPF. In particularly I am concerned that it has adopted a high risk strategy by concentrating too much development into a few strategic site allocations/large sites, where there are concerns over delivery such that this may impact on its housing strategy over the plan period. Just by way of example only 31% of the allocated sites (14 sites in total) in the currently adopted Replacement Local Plan (1997-2011) have been built to date(ie around 950 out of 3,030), and this is 6 years after the Plan’s end date. Five of these sites allocated for a total of 1,800 dwellings have been taken forward into the Local Plan Document Part 2 with a revised total of 2,400 dwellings. Given this past track record of non delivery I am concerned that the Plan will not meet ‘*its objectively assessed housing needs with sufficient flexibility to adapt to rapid change*’.

I will amplify on this issue in my responses to the questions posed in Matters 3 (Vision, Objectives and Spatial Strategy), 4 (Green Belt) and 5 (Housing).