CABINET
Thursday 9 April 2015

EASTLEIGH BOROUGH LOCAL PLAN 2011-2029: INSPECTOR’S REPORT

Report of the Head of Regeneration & Planning Policy

RECOMMENDATIONS

It is recommended that the findings of the Inspector’s Report following the examination of the Submitted Eastleigh Borough Local Plan 2011-2029 are noted.

Summary

The Inspector’s Report on the Eastleigh Borough Local Plan 2011-2029 was received on 11 February 2015. His formal findings reflect his preliminary conclusions previously reported in December 2014, namely that insufficient housing was being provided to meet the borough’s needs and that the Council could not demonstrate a five year housing land supply. Work has now commenced on a new Local Plan for the period to 2011-2036 which will serve to address these concerns.

Statutory Powers

Planning and Compulsory Purchase Act 2004
Planning Act 2008
Localism Act 2011
Town and Country Planning (Local Planning) (England) Regulations 2012

Introduction

1. The Eastleigh Borough Local Plan 2011-2029 was submitted for examination to the Secretary of State on 15 July 2014. A government appointed Inspector, Simon Emerson, subsequently held public hearings between 10 and 13 November 2014. These hearings focussed on the borough’s housing needs and supply including those of the travelling communities, economic growth strategy and the Council’s approach to Habitats Regulation Assessment.

2. The Council received the Inspector’s preliminary conclusions on 1 December 2014. These raised significant concerns relating to the level of housing proposed to be provided for (particularly affordable housing) and the Council’s five-year housing land supply position. These interim findings, as clarified by
subsequent correspondence with the Inspector, were reported to Cabinet and Council on 18 December where members resolved that the Inspector be requested to submit his final report to the Council.

3. The Inspector’s report was subsequently received by this Council on 11 February. A copy of his full report is attached as Appendix 1 to this report. His formal key findings are summarised below.

Key findings

4. The key findings of the Inspector’s report are to all intents and purposes unchanged from those previously reported. His non-technical summary on page 3 of the report reads as follows:

“This report concludes that the Eastleigh Borough Local Plan has a number of shortcomings in relation to housing need, the identified housing requirement and housing supply which are sufficient on their own to recommend non-adoption of the Plan.

I have found that the Council has not recognised the full extent of affordable housing need in the Borough and, as a consequence, has not considered all options to seek to better address that need. There are also market signals which indicate that some additional market housing is required in any case. The five year land supply position is inadequate, even for the housing requirement identified in the submitted plan, because a 20% buffer is required and the overall supply position is tight, with no flexibility to respond to changing circumstances.”

5. The Inspector did briefly comment on other issues. With regard to compliance with the Duty to Co-operate, whilst not coming to a formal and final conclusion on this matter, he did consider that the Duty was met in relation to strategic housing and employment matters because of the Council’s involvement with The Partnership for Urban South Hampshire (PUSH) and its willingness to take forward the South Hampshire Strategy 2012. Such endorsement of PUSH and its work is clearly encouraging in this regard.

6. The Inspector was also broadly satisfied with the Council’s proposed economic development strategy stating that the scale of new employment floorspace proposed, along with policies to enable further economic growth, was justified. He was also satisfied that sufficient new housing was proposed to accommodate the workers needed to support this new employment floorspace.

7. With regard to the proposed approach to addressing the potential significant effects on environmental habitats which could arise from development sites (technically known as Habitats Regulation Assessment), the Inspector suggested that further details should be included within the allocation policies of the Plan to clarify the general scope of measures to mitigate the impact of development. In relation to the proposed allocation of land south of Chestnut Avenue, Eastleigh the Inspector also made it clear that further details should be set out as to the purpose of securing a financial contribution towards
8. The Council has made a number of representations to the Minister for Housing and Planning on conclusions reached by the Inspector. A holding reply only has so far been received, following a meeting between the Minister, Mike Thornton MP and the Leader of the Council. The full response will feed into the Local Plan process.

Next steps

9. At the 18 December meeting of the Council, members resolved to begin work on a new Local Plan to cover the period 2011-2036. This work has now started and a new Local Development Scheme to provide the timetable for this work is the subject of a separate agenda item.

10. With regard to the Submitted Eastleigh Borough Local Plan 2011-2029, Section 23 of the Planning and Compulsory Purchase Act 2004, as amended by the 2011 Localism Act, is clear that the Council cannot adopt the Plan where an Inspector recommends non-adoption.

11. Section 22 of the above Act enables the Council to withdraw the Plan in such instances, but your officers are not aware of any provision within legislation which compels a Council to do so.

12. Paragraph 25 of the Local Plans section of the Planning Practice Guidance published by the government does however state that in such circumstances a local plan should be withdrawn. It goes on to say that the speedy withdrawal of a plan provides certainty to the local community, applicants and other interests about the planning framework in the area. It reminds authorities that until a revised plan is brought forward to adoption, policies of the existing Local Plan remain in place.

13. Clearly the weight attributable to the Submitted Eastleigh Borough Local Plan 2011-2029 as a material planning consideration in determining planning applications is extremely limited given the findings of the Planning Inspector. On the other hand, the policies of the Eastleigh Borough Local Plan were adopted nine years ago in 2006. The 2011-2029 Plan represents the most recent expression of the Council’s views on a spatial strategy and, until a new Local Plan is prepared, may help to assist the bringing forward of development that the 2011-2029 Local Plan provided for.

Financial Implications

14. None arising from this report.

Risk Assessment

15. The Submitted Eastleigh Borough Local Plan 2011-2029 has been found unsound by a government appointed planning inspector. Not withdrawing the
Plan creates greater uncertainty for the local communities and other interested parties. If given significant weight in determining planning applications, it also presents a risk of future judicial review of the decision to approve or refuse planning permission. However, withdrawing the Plan would formally remove the most recent expression of a spatial strategy through which development could be brought forward to meet short term needs.

**Equality and Diversity Implications**

16. The Equality Act is not relevant to the decision in this report as the decision does not relate to eliminating discrimination, advancing equality of opportunity, or fostering good relations between different people. An Equality Impact Assessment has not been carried out.

**Conclusion**

17. The receipt of the Inspector’s Report attached as Appendix 1 confirms that, in the Inspector’s view, the Eastleigh Borough Local Plan 2011-2029 was unsound. This Plan cannot therefore be adopted. Members have previously resolved to commence work on a new Local Plan to cover the period 2011-2036 which will serve to address these concerns. A separate report proposing a work programme for this work is provided as a separate agenda item.

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Appendices Attached: 1  
Report No PP000151

**LOCAL GOVERNMENT ACT 1972 - SECTION 100D**

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information:

None