

Rother District Council

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| Report to | - | Cabinet |
| Date | - | 8 July 2019 |
| Report of the | - | Executive Director |
| Subject | - | Forthcoming consultation on the Main Modifications to the Development and Site Allocations (DaSA) Local Plan |

Recommendation to COUNCIL: That delegated authority be granted to Cabinet to authorise the Main Modifications and, if relevant, Additional Modifications to the Development and Site Allocations (DaSA) Local Plan for a six week public consultation

Head of Service: Tim Hickling
Lead Cabinet Member: Councillor Vine-Hall

Purpose of the Report

1. Due to tight timescales, this report seeks delegated authority for Cabinet to authorise the 'Main Modifications', and if relevant, the 'Additional Modifications' to the Development and Site Allocations (DaSA) Local Plan for a six week public consultation.

Introduction

2. Rother District Council submitted the Proposed Submission version of the Development and Site Allocations (DaSA) Local Plan for independent examination in January 2019 (Minute C18/45 refers). The DaSA implements the development strategy and core policies set out in the adopted Core Strategy. It seeks to allocate sites for particular uses as well as setting out more detailed policies for the effective management of development in relation to key issues.

Development and Site Allocations (DaSA) Local Plan Examination

3. In January 2019, the Planning Inspector, Mr Mike Worden BA (Hons) DipTP MRTPI, was appointed by the Secretary of State to conduct the independent examination into the Plan's soundness and legal compliance and subsequently issue a report with his conclusions.
4. Officers prepared a number of reports at the request of the Inspector to inform the Examination hearings which were held between 8 May – 16 May 2019. Officers and their expert witnesses gave evidence on a number of Matters, Issues and Questions set by the Inspector. Whilst the period for written and oral evidence through the hearing sessions has now closed, the examination process is still open until the Inspector issues his final report.
5. During the examination process, a number of modifications were put forward to the Inspector in response to representations made through the submission and examination process. The Inspector will formally write to the District

Council shortly to ask officers to conduct a further consultation on 'Main Modifications' only (not the entire plan) to the Proposed Submission DaSA Local Plan' to resolve issues in order to make the Local Plan sound (in accordance with paragraph 182 of the National Planning Policy Framework¹) and to ensure its legal compliance. This involves changes or insertions to policies or text that are essential to enable the Plan to be adopted. Alongside these 'Main Modifications' there will be further 'Additional Modifications' which are of a more minor nature and do not materially affect the policies set out in the DaSA Local Plan. These would be mainly points of clarification to amend text for clearer explanation, including updated facts or make typographical or grammatical revisions which improve the readability of the Plan.

6. Once these 'Main and Additional Modifications' are confirmed by the Inspector, there will need to be a six week consultation inviting representations in line with the relevant Regulations². The Council's Constitution requires the relevant Council approval to undertake this consultation in due course; however, due to the tight timescales, authority is being sought for Cabinet to approve the consultation modifications.

Consultation Timeframe

7. Given that the Core Strategy is nearing 5 years old and the importance of the DaSA Local Plan in supporting the development targets in the adopted Core Strategy (outwith of Neighbourhood Plan Areas) and providing effective management of development, it is imperative this consultation commences with speed. This will allow officers to undertake the consultation, and to compile and submit consultation responses to the Planning Inspector as promptly as possible after the period for representations has closed. This is so that there is the best possible chance to receive the Inspector's Report and adopt the DaSA at September full Council prior to the Core Strategy becoming more than five years old.
8. Therefore, in order to ensure that there is the best possible chance in adopting the DaSA Local Plan before the Core Strategy becomes five years old, Council is requested to grant delegated authority to Cabinet to approve the 'Main Modifications' and if relevant, the 'Additional Modifications' for consultation in due course.

Dr Anthony Leonard
Executive Director

Risk Assessment Statement

The lack of an adopted DaSA Local Plan would frustrate the proper planning of the district and lead to a likely increase in speculative planning applications as there would be no plan-led approach to development in the district. The absence of a DaSA Local Plan would make demonstrating a five year supply of housing land more difficult to achieve in the future and likely result in planning applications being approved on appeal.

¹ 2012

² Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)+
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