EXECUTIVE SUMMARY:

In June 2014 the Council submitted the Development Management Plan for Examination in Public. The public hearing took place on 27 and 28 August 2014 after which the Inspector identified that whilst the majority of the plan could be considered to be sound some modifications would be required prior to adoption for it to be considered to be wholly sound. These modifications were consulted on for six weeks between October and December 2014. Following this consultation the Inspector’s report was received on 19 February 2015. In his report the Inspector outlines two minor amendments to the suggested modifications to improve clarity and that subject to these the Development Management Plan can be considered sound and be adopted by the Council. This report recommends that the Cabinet recommend to full Council that the Development Management Plan be adopted.

RECOMMENDATION: THAT

(A) CABINET NOTE THE CONTENT OF THE INSPECTOR’S REPORT ATTACHED AS APPENDIX A, THE RECOMMENDATIONS OF WHICH ARE BINDING ON THE COUNCIL;

(B) CABINET RECOMMENDS TO COUNCIL THAT THE ELMBRIDGE DEVELOPMENT MANAGEMENT PLAN ATTACHED AS APPENDIX B BE ADOPTED WITH ALL POLICIES FORMING PART OF THE LOCAL PLAN AS FROM 14 APRIL 2015; AND

(C) CABINET NOTE THAT THE REMAINING SAVED POLICES IN THE REPLACEMENT BOROUGH LOCAL PLAN 2000 (RBLP) WILL ALL BE REPLACED BY THE DEVELOPMENT MANAGEMENT PLAN AND THE RBLP WILL NO LONGER FORM PART OF THE BOROUGH’S LOCAL PLAN.

REPORT:

Background

1. In June 2014 the Council submitted its Development Management Plan to the Secretary of State for Examination in Public (EIP). This is a statutory requirement prior to the adoption of any development plan in order to test whether or not it can be considered sound. To be considered sound it must pass a number of tests as set out in the National Planning Policy Framework (NPPF) which are:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

2 As part of the process of examining a plan any interested party can make representations on the soundness of the policies in the Plan. On submitting the Plan to the Secretary of State for examination all the representations made are sent alongside the Plan and the evidence base supporting that plan. All those parties making representations are also given the opportunity to put forward their concerns at a public hearing. At this hearing the approved inspector considers all representations, as well as asking their own questions of the Council in order to judge whether or not the Plan is sound, and, if there are elements where they consider the plan to be unsound, whether the Plan can be made sound through modification.

**Main modifications**

3 As part of the examination the Inspector suggested some modifications would be required to ensure the Plan’s soundness. The changes suggested were principally to ensure conformity with the NPPF and to improve the clarity of policies, their supporting statements and the monitoring of the Plan. From the 22 policies set out in the DMP only 7 of these policies require modification in order to make them sound. As such the Plan remains very similar to the one submitted.

4 The proposed modifications were agreed for consultation at the ICMDDM on 22 October and subject to a six week consultation which began on the 27 October 2014. This ended on the 8 December 2014 with representations being made by nine separate stakeholders. Four of these were from planning agents/developers, three were from statutory organisations and two were from local residents. Following consideration of these representations the inspector has suggested minor changes to MM8 and MM9 in order to clarify aspects of Policy DM17 and its supporting explanatory paragraphs. The changes are as follows:

**MM8A**
- to introduce an explicit reference to the Framework in part (a) of Policy DM17;
- to simplify and clarify the reference to dispersal of development throughout the site in part (c);
The Inspector considers that the proposed changes do not significantly alter the content of the Main Mods as published for consultation or undermine the participatory processes and sustainability appraisal. Consequently, there is no need to reopen the hearings or carry out any further sustainability appraisal. Full details of the proposed main modifications are set out in the inspectors report in Appendix A of this document.

Alongside these changes minor amendments have also been made to improve clarity and rectify typographical and grammatical errors. These minor amendments are attached at Appendix C.

The adoption and implementation of the Development Management Plan

The Development Management Plan submitted for examination last year has been amended to take account of the recommendations by the Inspector. This has been set out in Appendix B. Following adoption by the Council on 13 April 2015 the Development Management Plan will become part of the Local Plan and be used on all decisions made following that date, including appeals. In anticipation of adoption officer reports and statements are already referencing the adoption of the Development Management Plan. In particular statements being sent to PINs in relation to appeals that will be considered after adoption will reference the appropriate policies in the Development Management Plan.

Following adoption, regulatory requirements will be complied with including the publication of an adoption statement explaining where documents have been made available for inspection and the 6 week time limit within which a High Court challenge can be made. Once adopted the remaining saved policies in the Replacement Elmbridge Borough Local Plan 2000 (REBLP) will no longer form part of the Local Plan. A schedule detailing which policies in the DMP supersede those from the REBLP are set out in Appendix 4.

Financial implications:
There are no financial implications arising from the adoption of the Development Management Plan

Environmental/Sustainability Implications:
As part of the preparation and examination of the Development Management Plan a full sustainability appraisal was undertaken. The DMP was considered to to provide
an appropriate balance between the economic, social and environmental issues that form part of the sustainability appraisal.

**Legal implications:**
The legal requirements relating to the preparation and examination of development plans have been considered by the inspector to be complied with. Further legal compliances relating to the adoption of the plan will be implemented following adoption.

**Equality Implications:**
An Equalities Impact Assessment of the DMP was undertaken and informed part of the evidence base supporting the Plan at examination.

**Risk Implications:**
An independent Planning Inspector has considered all evidence, legal and procedural requirements relating to the production of the Development Management Plan and has found it sound. However, legislation allows for a challenge to the High Court on the grounds that (a) the document is not within the appropriate power, or (b) a procedural requirement has not been complied with. It is not considered that a legal challenge is likely but it should be acknowledged that there is scope for aggrieved parties to do so.

**Community Safety Implications:**
Community Safety was a key consideration and is specifically referenced in policy DM2: Design and Amenity

**Principal Consultees:**

**Background papers:**
None

**Enclosures/Appendices:**
Appendix A: Inspector’s Report
Appendix B: Development Management Plan
Appendix C: Minor Amendments

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