

North East Derbyshire District Council

Cabinet

3 January 2018

North East Derbyshire Local Plan – Revised Timetable and Proposed Publication

Report of Portfolio Holder for Planning and Environmental Health

This report is public

Purpose of the Report

- To advise Members on the key feedback received from the Planning Inspectorate (PINS) Advisory Visit relevant to the preparation of the Local Plan;
- To update Members on the progress being made in relation to reducing the risk of Government intervention due to LDS slippage
- To outline the next steps for the preparation of the Local Plan; and
- To seek approval to consult on the revised draft LDS

The above information will be covered in more detail in a presentation.

1 Report Details

Context

- 1.1 Members will recall the report to Cabinet on 13 December 2017 which gave an update on the Local Plan. This report set out that on 16 November 2017 the Secretary of State for Communities and Local Government (SoS) wrote to the Council to confirm that it had been identified as one of fifteen local authorities where Government believed there had been a lack of progress on local plan making.
- 1.2 The Council has been invited to respond to the SoS by 31 January 2018 outlining any exceptional circumstances which the Council considers justify the failure to produce a Local Plan in line with Governments expectations. This response will also require the Council to set out any measures that the authority has taken, or intends to take, to accelerate plan production. This will be then taken into account by the SoS when making a final decision on intervention alongside other factors such as:
 - The degree of progress in Plan making
 - Whether Intervention would have the greatest impact
 - Potential impact on Neighbourhood Planning
 - The effect of higher housing pressures

- 1.3 Members were advised of the need to accelerate delivery of the Local Plan in order to avoid the possibility of formal intervention in the plan-making process. A series of priority actions were outlined:
- Review the Local Development Scheme to accelerate delivery and present this to Cabinet at its meeting in January 2018.
 - Undertake a critical assessment of resources to ensure delivery to timetable.
 - Undertake detailed project planning to demonstrate that the timescales are achievable and the Council is committed to delivery.
 - Review the outstanding evidence and identify those elements that it is crucial are in place for the Publication and/or Submission stages.
 - Provide details of the proposed response to the SoS to Cabinet at its meeting in January 2018.
- 1.4 Members were also advised that the Council had an advisory visit scheduled with the Planning Inspectorate (PINS) on 14 December to enable consideration of technical and procedural issues surrounding the emerging Local Plan prior to Publication. Additionally the Council would continue its regular dialogue with DCLG and seek advice on the best way forward.
- 1.5 Dialogue with DCLG has confirmed that whilst they wish to see Local Plan preparation accelerated, this should not be at the expense of soundness. It is not in anyone's interest to submit a Plan without the necessary evidence and attention to detail. It was clear that the outcome of the PINS visit would be important in determining the speed with which the plan could move forward to publication. However, in setting a new timeframe for delivery, this also needed to be challenging, showing where possible, procedures had been accelerated.

Feedback from PINS Advisory Meeting

- 1.6 The meeting took place on 14 December, 2017 and was particularly helpful and informative, although no formal written advice is provided through the process. The Inspector provided a critical overview of the Plan and identified areas where additional work would be beneficial. The key areas are summarised below and cover both general matters, specific issues and the evidence base.

General Plan Making Comments:

- Advise soundness over speed in plan making – especially at Pre-Publication stage and that it was up to each Council to decide how fast it could go in the light of reaching this balance.
- Don't delay plan preparation by waiting for publication of the revised NPPF.
- Allow sufficient time between Publication & Submission.
- Secure early Legal support prior to Submission.
- Appoint an experienced Programme Officer.

Specific Plan Making/Policy Comments:

- The Strategy and approach to Green Belt release appears justified in principle, but recommends deletion of Safeguarded Land.
- Housing Target– more work is needed to clarify the housing target/OAN
- Housing Supply –needs further updating to reflect completions & commitments to avoid over-allocating land in the Local Plan.
- Flexibility allowance should include windfalls.

- Gypsies & Travellers – need to meet identified needs or clearly evidence why this not possible (i.e. need to clearly demonstrate why land in Public ownership is not suitable).

Evidence Base Comments:

- Sustainability Appraisal – it is essential this is in place to inform decisions on the Publication Plan and there is a need to revisit work from 2009 on strategy options
- Ensure crucial evidence is in place for Publication – e.g. Transport, Housing, Employment and Habitats Regulation Assessment/Appropriate Assessment.
- Other evidence can come later if necessary – e.g. Retail Study
- Duty to Co-operate – Needed for Submission.

Update on work being undertaken to reduce the threat of Government Intervention

- 1.7 Work is on-going in forming a strong case to remove the threat of intervention based on addressing the specific questions raised by the DCLG and is on target to meet the 31 January 2018 deadline. This will be covered in more detail in the presentation.

Revised Local Development Scheme (LDS)

- 1.8 Officers are currently taking stock of the above issues and formulating a revised timetable, based upon a critical assessment of the tasks that need to be completed, resources available to complete them, and how we use project planning to achieve this. Given the timing of the PINS visit and the timetable for publishing reports for this meeting it has not been possible to include a timetable within this report. It is therefore proposed to present a proposed timetable for consideration by Members at the meeting on 3 January alongside more detail on project planning, resource management and the proposed response to DCLG. It is a requirement also to consult on any new or revised LDS, and agreement to do this will also be sought.

Next steps for the preparation of the plan.

- 1.9 The current focus is upon completion of outstanding areas of the evidence base and the incorporation of key findings into the Plan; finalising the chapters and policies of the Plan to reflect PINS feedback; organising publicity and consultation for the Publication stage; and developing a new project plan to support delivery against the revised LDS. A report will be brought back to Cabinet on the 14 February 2018 seeking approval to formally publish the Local Plan.

2 Conclusions and Reasons for Recommendations

- 2.1 Officers are making good progress on the preparation of the emerging Local Plan and are close to the significant Publication milestone. The PINS visit has helped to strengthen the plan. Good progress has also been made in preparing the formal DCLG response to avoid the threat of intervention. The revised LDS will be central to both pieces of work, which is why permission is now being sought to carry out a short consultation exercise so that it can be quickly finalised and approved.

3. Consultation and Equality Impact

- 3.1 This report outlines current issues pertaining to the preparation of the Local Plan. Formal public consultation is integral to Plan production and is scheduled to take place at key stages in line with the regulations governing plan production.
- 3.2 There are no specific equalities issues arising out this report. However, an equality impact assessment of the Local Plan's policies will be undertaken at the publication stage of the Local Plan.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council is required to produce a Local Plan however if it fails to make sufficient progress the Government will intervene and take over plan production. This would effectively take away the Council's control over the future planning of the District and is not considered to be an appropriate option.

5 Implications

Finance and Risk Implications

- 5.1 Additional resources will be required to strengthen the approach to project management and to augment the team resource following Publication. Approximately £6,000 will be required to secure external specialist project management support for the preparation of the revised LDS, staff training and critical friend support. This can be met from the existing budget

Legal Implications including Data Protection

- 5.2 The Council has a statutory duty to keep under review the matters which may be expected to affect the development of their area.

Human Resources Implications

- 5.3 There is a need to ensure that resources in the planning service continue to be sufficient to ensure that timely delivery of a sound Local Plan. It is important to note that Government intervention in the Local Plan process could have some very significant implications for Planning Policy Team staffing arrangements, although the extent of this is unknown.

6 Recommendations

- 6.1 That Cabinet notes the on-going work related to the preparation of the Local Plan following the PINS visit and the work related to addressing the DCLG threat of intervention.
- 6.2 That the revised LDS as presented to Cabinet be approved for consultation by way of publication on the Council's website for a period of 5 working days; and that the Chief Executive in consultation with the Leader and Portfolio Holder be authorised to approve the final LDS following the consultation exercise.

6.3 That the Chief Executive in consultation with the Leader and Portfolio Holder be authorised to formally respond to the DCLG on behalf of the Council in order to meet the 31 January 2018 deadline.

7 Decision Information

<p>Is the decision a Key Decision?</p> <p>A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><i>BDC: Revenue - £75,000 <input type="checkbox"/></i></p> <p><i>Capital - £150,000 <input type="checkbox"/></i></p> <p><i>NEDDC: Revenue - £100,000 <input type="checkbox"/></i></p> <p><i>Capital - £250,000 <input type="checkbox"/></i></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	<p>YES</p>
<p>Is the decision subject to Call-In?</p> <p>(Only Key Decisions are subject to Call-In)</p>	<p>YES</p>
<p>District Wards Affected</p>	<p>All</p>
<p>Links to Corporate Plan priorities or Policy Framework</p>	<p>The maintenance of a five year supply of deliverable housing has an impact on the way decisions on planning applications for residential development are determined. As such it has potential impacts on the following corporate aims:</p> <p>COMMUNITY SAFETY – Ensuring that communities are safe and secure</p> <p>ENVIRONMENT – Promoting and enhancing a clear and sustainable environment</p> <p>REGENERATION – Developing healthy, prosperous and sustainable communities</p>

8 **Document Information**

Appendix No	Title
Background Papers	
Report Author	Contact Number
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