

**North East Derbyshire District Council**

**Cabinet**

**21 September 2023**

**Establishment of Local Plan Review Working Group**

**Report of the Cabinet Member for Environment & Place**

Classification: This report is public

Report By: Assistant Director of Planning

Contact Officer: David Thompson

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**PURPOSE / SUMMARY**

- To recommend that a Local Plan Review Working Group be established at Council in September 2023;
  - To recommend a structure for the Local Plan Review Working Group in terms of Membership and terms of reference (to be included in the report to Council);
  - To consider the merits of the recommended Membership structure.
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**RECOMMENDATIONS**

1. That Cabinet recommends to Council at its meeting on 25 September 2023 the establishment of a Local Plan Review Working Group and in accordance with the structure and terms of reference detailed in appendix A.
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**IMPLICATIONS**

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**Finance and Risk:** Yes  No

**Details:**

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):** Yes  No

**Details:**

On Behalf of the Solicitor to the Council

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**Staffing:** Yes  No

**Details:**

There are no adverse staffing implications directly arising from the content of this report.

On behalf of the Head of Paid Service

## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> 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: <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet / Executive</b> <input type="checkbox"/> <b>SAMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  Details: Discussion with Leader, Portfolio Holder and Managing Director on 22/08
<b>Links to Council Plan priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</b>	
All of the above.	

## REPORT DETAILS

- 1 **Background** *(reasons for bringing the report)*
  - 1.1 The purpose of this report is to recommend to Cabinet that a Member Working Group is established to provide regular feedback to officers during the Local Plan review process. Ultimately, the decision to establish the Working Group would be a decision for Full Council, following endorsement by Cabinet.
  - 1.2 If endorsed by Cabinet, the proposal is to add this item to the agenda for the Council meeting on 25 September 2023.

- 1.3 Officers are mindful of the need to commence the review in the relatively near future, with the first key milestone being the updating of the Local Development Scheme, which will be produced within the current financial year (2023/24). The proposal is therefore that Cabinet endorses a Membership structure for the Working Group and a broad terms of reference, which would be presented to the Full Council meeting on 25<sup>th</sup> September 2023.
- 1.4 Officers consider that a Member Working Group would provide a valuable opportunity for collaboration between officers and Members during the Local Plan review, which is likely to involve intensive work over a number of years.
- 1.5 There are several stages that are likely to be sensitive, which would benefit from collaborative work and the ability to exchange ideas/consider potential implications, including the issues and option stage, which will consider how we plan for future growth and set the scene for the areas that the review process will focus upon.
- 1.6 Officers have considered the risks and potential benefits of a number of options, including not establishing a Working Group at all and then a range of different routes to achieve engagement across the political spectrum.
- 1.7 Officers consider that an independent external advisor would also benefit the Local Plan review process. Discussions have taken place with Planning Officer Society Enterprise (POSE), who can offer a 'critical friend' role, provided by experienced planning professionals.
- 1.8 Officers will continue these discussions with the objective of getting corroboration on the need for a review and the areas of focus, in advance of the first meeting of the Working Group, should it be established. POSE have also offered to continue the 'critical friend' role through reviewing officer reports/recommendations on sensitive matters as the Local Plan review progresses.

## 2 **Details of Proposal or Information**

- 2.1 Officers have looked at the potential benefits and risks posed by four options that were felt to cover the spectrum of how the working could operate, if at all, and the way that this would interact with wider Membership and corporate Council business. These options are:
  1. Not to have a Working Group;
  2. A Working Group of members of all groups, including group leaders and portfolio holders/spokespeople but with no specific Scrutiny link;
  3. A Working Group involving only the leaders of each political group and report through Cabinet and Portfolio Holder before full Council;
  4. A Working Group consisting of the chairs and vice chairs of scrutiny committees, the Planning Committee chair and vice Chair, 1 Lib Dem and 1 independent, chaired by the Portfolio Holder for Environment and Place.

2.2 The risks and benefits of each of the above, from an officer perspective, are listed below.

1. Not have a Working Group;

Risks:

- Lack of opportunity to discuss issues outside of the formal committee process and for informal dialogue between officers and Members;
- Reduced ability to build consensus on the key objectives of the Plan;
- Less co-ordination of Plan objectives as decisions will be made as issues come forward at Scrutiny committees, Cabinet and full Council
- The above combined are likely to result in delays in the review process and to weaken the Council's position when assessing applications for speculative development.

Benefits:

- Potentially makes decision making quicker, if Members are in agreement with officer recommendations.

2. Set up a Working Group of members of all groups, including group leaders and portfolio holders/spokespeople but with no specific Scrutiny link;

Risks:

- May reduce the speed of deciding on priorities and the direction to be taken;
- Still the potential for disconnect with the Scrutiny process which further risks the consistency and timeliness of decisions;
- May be difficult to produce a consistent corporate message.

Benefits

- A large group of people – good for debate and inclusive of a range of views/Members with different roles and interests.

3. Set up a Working Group involving only the leaders of each political group and report through Cabinet and Portfolio Holder before full Council;

Risks:

- May reduce influence of the group across full Council;
- Potential for disconnect with the Scrutiny process which further risks the consistency and timeliness of decisions;
- Several decision making 'hoops' before a final outcome would be known – potential for delays.

### Benefits

- A small group – may result in quicker resolutions within the meeting;
  - If consensus can be reached, the leadership of each political grouping has agreed the position and would have responsibility for reporting that to the rest of their group.
4. Set up a Working Group consisting of the chairs and vice chairs of scrutiny committees, the Planning Committee chair and vice Chair, 1 Lib Dem and 1 independent, chaired by Portfolio Holder.

### Risks

- Quite a large group – 13 Members and representation from all of the political groups on the Council – achieving a consensus may be more challenging.

### Benefits:

- Inclusive of a broad range of Members – political grouping and expertise/interests;
- Strong alignment to the Scrutiny process which should increase the speed and consistency of decision making;
- Chaired by Portfolio Holder for Environment and Place gives a corporate and Member focus;
- Representation of each of the Scrutiny committees emphasises the corporate importance of the Local Plan;
- Direct link to Planning Committee, with 4 Members currently on committee (including chair and vice chair)

## **3 Reasons for Recommendation**

- 3.1 On the basis of the above benefits and risks assessment of the 4 options considered, officers are of the view that option 4 is the most appropriate course of action. In the opinion of officers, not having a steering group at all would result in a less collaborative process, less opportunity for informal discussion and less predictability in terms of Council decision making.
- 3.2 Given the relatively tight timeframe that is likely to be available to conduct the review, these factors may cause inefficiency and delays in making key decisions. This is likely to negatively affect the organisation's ability to unite around a strategy and deliver certainty for members of the public.
- 3.3 In relation to options 2-4 above, officers consider that there is a need to strike an appropriate balance between efficient decision making, the spectrum of political engagement and reporting mechanisms to feed into the wider corporate

strategy of the Council. Option 4 is considered to strike this balance most effectively, with all political parties represented, a clear link to the Scrutiny committees and also strong representation from members of the Planning Committee.

#### 4 **Alternative Options and Reasons for Rejection**

- 4.1 To not recommend the formation of a Local Plan Working Group. For the reason detailed in 3.1 above, officers would not recommend this course of action;
- 4.2 Considering forming a Working Group as per options 2 or 3 set out in section 2 of this report. Both options have merit but officers consider that neither strikes the necessary balance described in paragraph 3.3 above;
- 4.3 Cabinet could propose an alternative structure to the Working Group and officers could consider this and discuss with the Portfolio Holder for Environment and Place before returning to a future Cabinet meeting.
- 4.4 The risk of delaying the decision beyond the September 2023 meeting of the Full Council is that this will in turn delay commencement of the Local Plan review. This delay runs the risk of the Plan being considered out of date if an extensive review is required.

#### 5 **Appendix**

- 5.1 Appendix 1 - Draft Terms of Reference and Scope of the Member Local Plan Review Working Group