

# North East Derbyshire District Council

## Cabinet

21 November 2024

### NEW LOCAL PLAN – PROPOSED TIMETABLE FOR PREPARATION INCLUDING NEW LOCAL DEVELOPMENT SCHEME.

#### Report of Councillor Pickering Portfolio Holder for Environment and Place

Classification: This report is public

Report By: Planning Policy & Environment Manager

Contact Officer: Helen Fairfax

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#### PURPOSE / SUMMARY

To advise Cabinet on a proposed timetable for the preparation of a new Local Plan which achieves submission of the plan to the Secretary of State by December 2026. This is the Government's proposed cut-off date for the preparation of plans under the current plan-making system. It provides the Council with a window of opportunity to get an up to date plan in place at the earliest opportunity and limit the Council's exposure to ad hoc speculative development.

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#### RECOMMENDATIONS

1. That Cabinet notes the challenging timescales set out in the report, and that this relies upon maintaining the necessary resources, securing input from third parties and both timely and efficient decision making at key stages.
2. That Cabinet approves the timetable for the preparation of the new Local Plan and tasks the Local Plan Working Group with regular monitoring and reporting on progress against key milestones.
3. That Cabinet resolves that the Local Development Scheme is to take effect, authorising its publication and that it shall have effect from 25<sup>th</sup> November 2024.

Approved by the Portfolio Holder – Cllr Pickering, Cabinet Member for Environment & Place

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#### IMPLICATIONS

Finance and Risk: Yes  No

**Details:** In terms of Finance: The preparation of a Local Plan and supporting evidence has a significant impact upon financial resources. The resources required to undertake the work outlined in this report up to the point of examination can be met from the Local Plan evidence base budget and earmarked reserve. Further funding will be required to cover Examination costs (Inspector's fees and Programme Officer) and will need to be met from the corporate reserve. Furthermore, circumstances may arise where it is necessary to augment resources, if for example high levels of responses are received during public consultation and it is necessary to appoint additional temporary staff to manage this; or additional evidence is required to meet any new national planning guidance.

In terms of Risk: The challenging nature of the timetable and uncertainty around national plan-making presents some risk to the Council. This is both in terms of the ability to complete the work within the transitional period, the transitional arrangements not proceeding as proposed and reducing the timeframe for submission; and/or unforeseen changes to national guidance requiring further additional work. Whilst these risks are significant and could lead to some additional work and money being spent adapting to a new plan-making process, the evidence base work will be essential whichever plan-making system is followed. Furthermore, it is considered that the implications of not aiming to get a plan in place as quickly as possible which would leave the Council open to a much longer period of speculative development and this outweighs the risk.

On Behalf of the Section 151 Officer

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

**Details:** The Planning & Compulsory Purchase Act 2004 Act, as amended, requires the council to prepare and maintain a Local Development Scheme (LDS). This provides a public statement of the council's programme for producing the Local Plan. It explains which Local Development Documents will be produced and when and how they will be produced. The LDS can only take effect once Cabinet has resolved that the scheme shall take effect and specified the date from which the scheme shall have effect.

On Behalf of the Solicitor to the Council

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**Staffing:**                      **Yes**                       **No**

**Details:** The preparation of a Local Plan and supporting evidence has a significant impact upon staff resources. Staff resources are in place to effectively undertake the work outlined in this report and it will be important to maintain these resource levels. However, circumstances may arise where it is necessary to augment resources, if for example high levels of responses are received during public consultation, or additional evidence is required to meet any new national planning guidance.

On behalf of the Head of Paid Service

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## DECISION INFORMATION

<b>Decision Information</b>	
<p><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:</p> <p><b>NEDDC:</b>  <b>Revenue - £125,000</b> <input type="checkbox"/> <b>Capital - £310,000</b> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<b>District Wards Significantly Affected</b>	None
<b>Equality Impact Assessment (EIA) details:</b>	
<p><b>Stage 1 screening undertaken</b></p> <ul style="list-style-type: none"> <li>Completed EIA stage 1 to be appended if not required to do a stage 2</li> </ul>	Yes, appended.
<p><b>Stage 2 full assessment undertaken</b></p> <ul style="list-style-type: none"> <li>Completed EIA stage 2 needs to be appended to the report</li> </ul>	No, not applicable
<p><b>Consultation:</b>  <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/>  <b>SMT</b> <input checked="" type="checkbox"/> <b>Relevant Service Manager</b> <input checked="" type="checkbox"/>  <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/></p>	<p>Yes</p> <p>Details: Discussions undertaken with Portfolio Holder, SMT and Leadership.</p>

### Links to Council Plan priorities;

- A great place that cares for the environment
- A great place to live well
- A great place to work
- A great place to access good public services

## REPORT DETAILS

### 1 **Background** *(reasons for bringing the report)*

- 1.1 Cabinet will recall considering the matter of a Local Plan Review at its meeting on 28 March 2024. This was in the context of uncertainties around changes to plan-making proposed through the Levelling Up and Regeneration Act (LURA); and proposed transitional arrangements which would allow for plans to be progressed under existing legislation provided they were submitted by summer 2025. At that time, it was resolved not to progress with a formal update of the Local Plan due to time constraints, instead focussing on updating the evidence base so that the Council would be in the best position to adopt the new Local Plan making processes when they came into force. It was also the case that Council's with current up to date Plans were, to a large extent, protected from speculative development. Cabinet also resolved to publish a Position Statement outlining the Council's intentions for reviewing the Local Plan in the interests of openness and transparency around the matter of plan making (Minute No: CAB/ 87/2 3-24).
- 1.2 Since that time the new Government has undertaken consultation on its proposals for plan-making (and Planning more generally) focussed on accelerating growth and housing delivery; and proposing some radical changes to the way housing numbers are derived and reforms to Green Belt policy. These changes if carried forward would significantly increase this Council's housing target, they would apply immediately and render the Council unable to demonstrate a 5-year supply of housing land and become susceptible to speculative development. The Consultation also set out new transitional arrangements for plan-making which would extend the period for submitting plans under current legislation to December 2026. This would add a further 18 months for plan preparation and is considered to be a more realistic timeframe.
- 1.3 These proposals were reported to Cabinet in September when it was agreed to consider in more detail a timetable for a review of the Local Plan (in discussion with the Local Plan Working Group) in light of the implications of the proposals for housing numbers and plan making and that this be brought back to a subsequent Cabinet meeting (Minute No: CAB/ 36/2 4-25).
- 1.4 In relation to the involvement of the Working Group, the agenda for Cabinet was published shortly before the Full Council meeting in September 2024 at which a decision was taken to review the membership of the Working Group. As the process of re-organisation cannot be finalised until the November meeting of Full Council, a meeting of the Working Group has not been held since September. However, even if such a discussion had taken place, the decision regarding the timetable for Local Plan production is one for Cabinet. It is also the case that all Group Leaders are aware that this proposal is being presented to Cabinet.

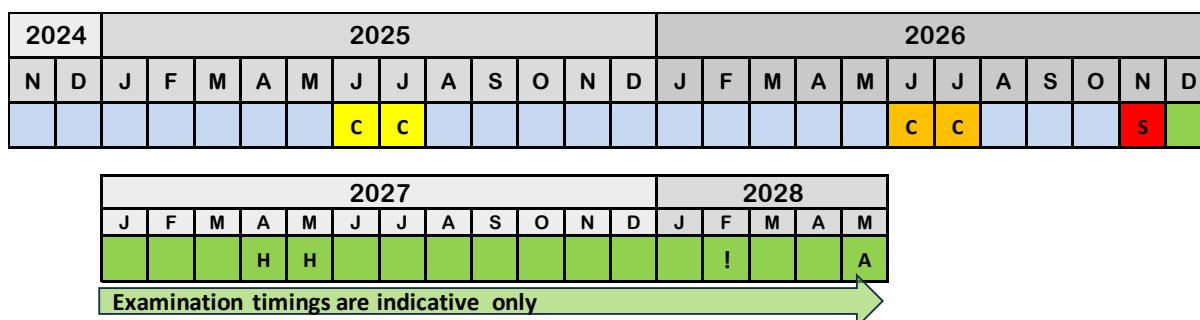
### 2. **Details of Proposal or Information**

- 2.1 This report sets out a proposed timetable to achieve submission of a new updated Local Plan by December 2026. This is in line with the Government's









proposed transitional arrangements towards the new Plan making process as set out in the Levelling Up and Regeneration Act (LURA).

2.2 The timetable in **Figure 1** sets out the key milestones proposed for the preparation of the Local Plan. This is contained within the proposed Local Development Scheme (LDS) **Appendix 1**.

**Figure 1: North East Derbyshire Local Plan (2024 - 2034) – Production Timeline**



**KEY:**

- |   |   |   |   |
|---|---|---|---|
|    | Plan Preparation (incl. evidence collection and Issues & Options) (Reg. 18) |    | Examination (Reg. 24)                                 |
|   | Issues and Options Consultation (Reg. 18)                                   |   | Hearings (April/May 2027)                             |
|  | Publication Consultation (Reg. 19)  |  | Receipt of Inspector's Report (Reg. 25) February 2028 |
|  | Submission (Reg. 22)  |  | Adoption (Reg. 26) May 2028                           |

2.3 The Local Development Scheme 2024-2028 includes a description of the subject matter and geographical area of the Local Plan along with a timetable for its preparation covering the period up to 2028. The timetable includes the following key milestones:

- Notice of start of plan-making – November 2024
- Issues & Options Consultation - June/July 2025
- Publication Consultation – June/July 2026
- Submission – November 2026
- Examination – 12 months to 2027 (indicative)
- Adoption - May 2028 (indicative)

2.4 The Council can only directly control the timeframe for Plan preparation up to the point the Plan is submitted to the Secretary of State. Once the plan has been submitted the Examination period starts and it becomes the responsibility of the appointed Inspector to set the timetable up to the point they submit their final report. For this reason, the timetable dates from the point of submission are indicative only. It should be noted that the timetable is based upon a best estimate of available resources and the level of work and time required to complete the various stages.

2.5 There are however, a number of risks that must be recognised, some of which are within the Council's control and some that are beyond the Council's control. For example, it assumes that the Government's proposed transitional arrangements which enable the submission of plans by December 2026 to be

prepared under current legislation, is carried forward, and that no new legislation or regulatory requirements affecting plan-making are introduced in the meantime. The Government's response to issues raised during consultation, along with publication of a revised NPPF is expected early next year.

- 2.6 A judgement call is therefore required in balancing risk and uncertainty, with the overall objective being to minimise the period of time during which the Council does not have an up to date Plan and is therefore more vulnerable to speculative development. The recent Government consultation suggested that the new Plan making system provided for in the LURA will be introduced 'summer or autumn' 2025. The new system aims for a 30 month process, from the first gateway to adoption, with a 4 month notice period.
- 2.7 Taking June as the earliest point at which the regulations are to be introduced (as things stand), that would mean adoption of a Plan by May/June 2028. This is similar to the likely adoption date associated with the proposed timetable in this report. However, it is important to highlight that there are many 'unknowns' about the new Plan making process at this point, not least how the current uncertainty around Examination timeframes would be resolved, without a significant increase in resources for the Planning Inspectorate and potentially also for Local Planning Authorities.
- 2.8 However, even if the currently suggested new system is introduced at the earliest point within the window the Government has suggested, the balance of probability currently lies with an up to date Local Plan being achieved quicker under the current system rather than waiting for the new process to be introduced. This is in large part to the evidence gathering work that officers have been progressing over the last year, including the recently launched 'call for sites' process, which will run until the new year.
- 2.9 For the timetable to be achievable there must be strong corporate buy in to the process, with success dependent upon:
- Maintaining current staffing and financial resources and augmenting these if necessary;
  - Securing all the necessary evidence through means of a combination of in-house, consultancy and third party support; and
  - An agile and responsive Local Plan Working Group to guide the process through a programme of meetings aligned with the timetable, along with the occasional need to increase the frequency of meetings at short notice.
- 2.4 Progress on preparation of the Plan will be kept under continuous review by the Local Plan Working Group. If it becomes apparent that changes are required to the timetable, the matter will be reported back to Cabinet and the LDS updated accordingly.

### **3 Reasons for Recommendation**

- 3.1 To enable the Council to progress with Plan Making with the aim of achieving submission of the Local Plan by December 2026 in line with the Government's proposed transitional arrangements. This will enable the Council to get an up to date plan in place at the earliest opportunity and limit the Council's exposure to ad hoc speculative development
- 3.2 In order for the scheme to take effect Cabinet must formally resolve that the scheme is to have effect and specify the date from which it is to have effect.

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

- 4.1 The Council is obliged by the 2004 Planning & Compulsory Purchase Act (Section 15) as amended, to publish and keep up to date a Local Development Scheme. Therefore, there is no alternative over whether, or not to produce an LDS.
- 4.2 In terms the timescale for the review of the Council's Local Plan, one alternative is to do nothing and await the implementation of new planning guidance and/or the new plan-making system. This was rejected on the basis that significant changes are imminent and to do nothing would put the Council at greater risk of speculative development for an additional extended period of time.

## **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Local Development Scheme 2024 - 2028
2	EQIA Stage 1
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	