

Bolsover District Council

Executive

19th February 2018

Local Plan Update Report

Report of the Leader and Portfolio Holder – Strategic Planning and Regeneration

This report is public

Purpose of the Report

- To update the Executive on progress with the Local Plan and the issue of potential intervention, since the report of 9 January 2018, and in accordance with the recommendations agreed at that time.

1 Report Details

- 1.1. On the 9 January 2018, Members were formally informed of a number of issues related to the Local Plan. The main issues being:
 1. The threat of potential intervention into the Local Plan making process by the Secretary of State; and
 2. The need to set out a new Local Plan timetable (Local Development Scheme), based on the recent guidance from the Planning Inspectorate, following our 'advisory' meeting with a representative on 13th December 2017.
- 1.2. In relation to the challenge of intervention it was agreed that the CEO in consultation with the Leader and the Chair of Planning, be authorised to respond to MHCLG on behalf of the Council. Consequently a robust submission was made by the Chief Executive on 29 January 2018, following consultation with the Leader and Chair of Planning Committee, and receipt was confirmed by MHCLG on the 30 January, in advance of the 31 January deadline. The Council is awaiting a response to this letter and confirmation of any proposed actions by the Secretary of State.
- 1.3. Part of the submission to MHCLG included a new LDS setting out our intended progress in relation to the development of the Plan. This had taken into consideration the advice from the Planning Inspectorate (PINS) and the work that had been identified in relation to ensuring the Plan would be sound that was highlighted at the meeting on 13 January 2018.
- 1.4. There were essentially four main issues that arose from the PINS advice that the Council need to address before publishing the Plan. These are:
 - a. Completion and consideration of the final Sustainability Appraisal (SA), in order to show that this has been fully and properly considered as part of the Plan making process and ahead of Publication of the Plan.

- b. To link with the final and full completion of the SA, taking legal advice in order to ensure that the Council can deal with any legal challenges on this issue in a robust manner.
 - c. To take legal advice in relation to the Green Belt issues and work that has been done in relation to the potential to release parts of the Green Belt.
 - d. To take legal advice in relation to the Duty to Cooperate (DtC) issues,
- 1.5. The first of these issue has caused the greatest time impact, as we have requested that our SA consultants review in full all of our policies and allocations based on the advice received. They will also be seeking to take on board any of the legal advice taken and this work is well underway.
- 1.6. Issues b & c are inter-related and also link with a current planning application on the site. Some advice has already been received and acted upon and further work is on-going.
- 1.7. Due to their significance and to reflect the advice from PINS these three issues require resolution prior to us reaching the Publication stage for the Local Plan. Furthermore work has already started in relation to issue d, the Duty to Cooperate, which will be required to be addressed prior to Submission of the Plan to the Secretary of State.
- 1.8. The main impact of this work is the time it will take for our Sustainable Appraisal consultants to do a review of all of the policies of the Plan and the sites allocated in this final Publication Draft. However, in view of all of the previous work they have done on this and also our good working relationship with them, there is no alternative approach that would deliver any quicker. Seeking alternative consultants would lead to significant lead in times and catch up work and review of all of the earlier work may lead to even greater delays where there may be a difference in approach.
- 1.9. This has meant that we will not be able to deliver the Publication Draft Local Plan alongside a completed Sustainability Appraisal until late April 2018. Our Local Development Scheme timetable has therefore had to be amended to take account of this work. This revised timetable reflects the advice from PINS in respect of the importance of carrying out further SA work and taking on legal advice in relation to the SA, Green Belt and Duty to Co-operate matters.
- 1.10. The revised timetable is set out below together with a comparison to the previous draft timetable. The revised LDS was agreed by the Local Plan Steering Group on 1 February 2018 and reported to the Planning Committee on 7 February 2018, to be publicised for a period of two weeks prior to formal adoption.
- 1.11. To support delivery of the revised LDS all of the relevant details were submitted to the SA consultants at the time agreed, although additional evidence based documents have also been requested. Furthermore a Barrister has been appointed and discussions have already taken place to consider important issues that the Council need to address as part of the development of the local plan and prior to publication consultation, subsequent submission and examination. Consequently it is considered that we are now well placed to continue to develop the publication version of the plan in accordance with the agreed timetable despite

recent pressures arising from the threat of intervention and the need to consider and accommodate the PINS advice.

Stage	Previous 2017 Draft dates	New dates (2018)	Explanation
Publication Local Plan Agreed	7 th February 2018	End of April 2018	SA finished by end of March. Arrange special meetings for third week in May
Consultation Period	Feb – April 2018	May – June 2018	6 Weeks required by law
Submission *	June 2018	3 rd week in July 2018	Period between end of Publication and Submission condensed to 4 weeks
Hearings Commence*	No previous date set	November 2018	Based on Pins suggesting 12 week Minimum
Inspectors Report*	No previous date set	July 2019	Based On Pins suggesting a year from submission
Adoption	June 2019	September 2019	Dependent upon receipt of Inspector's report

* Highlighted rows indicate the Examination period which starts at the point of submission. During this period timescales are beyond the Council's control. Timescales given here are therefore approximate and based on the PINS model timescales.

2 Conclusions and Reasons for Recommendation

- 2.1 This report is an updating report and there is currently no action required in order for the Local Plan to continue to develop as intended

3 Consultation and Equality Impact

- 3.1 None at this stage. However as the Local Plan process progresses it will be necessary to develop the Equality Impact Assessment in order to assess the effect of the proposed Plan and identify the most proportionate and effective responses.

4 Alternative Options and Reasons for Rejection

- 4.1 The purpose of this report is to provide a progress update on the Local Plan and no alternative options have been considered. However it is important to note that alternative options have been considered as part of the preparation of the Local Plan and these are documented through the Sustainability Appraisal that has been prepared alongside the Plan and within the various committee papers approving the content of the Plan.

5 Implications

5.1 Finance and Risk Implications

5.1.1 Failing to properly monitor and manage the LDS could result in new slippages to the adopted timetable. This could then lead to a potential for Intervention to occur. At such a stage this could lead to significant cost implications for the authority based on actions that may be taken by MHCLG, the expense of which would fall on the Council.

5.2 Legal Implications including Data Protection

5.2.1 As above, failing to properly monitor and manage the LDS and deliver a Local Plan in a timely way may lead to legal implications linked to the potential for intervention.

5.3 Human Resources Implications

5.3.1 As above, failing to properly monitor and manage the LDS could result in new slippages to the adopted timetable which could have repercussions in relation to staffing should the potential for Intervention occur.

6 Recommendations

6.1 That the Executive note that:

6.1.1 A submission has been made to the Secretary of State setting out the Council's case for not being considered a Council suitable for Intervention.

6.1.2 Work has been completed in developing a new LDS and a robust project plan incorporating the advice of PINS and the MHCLG, which balances the need for a sound Plan against how quickly it can be brought forward.

6.1.3 The revised LDS was agreed by the Local Plan Steering Group on 1 February 2018 and reported to the Planning Committee on 7 February 2018, to be publicised for a period of two weeks prior to formal adoption

6.1.4 Work has already been completed in relation to the Sustainability Appraisal and the taking of Counsel advice in relation to the development of the Plan.

7 Decision Information

<p>Is the decision a Key Decision? 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:</i> <i>Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/></p> <p><i>NEDDC:</i> <i>Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	<p>No This is an update report and does not required a specific decision.</p>
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Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
Background Papers (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 (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number

Report Reference –