

Bolsover District Council

Planning Committee

Date of meeting – 7th February 2018

Report on Local Plan Timetable

Report of the Joint Assistant Director of Planning and Environmental Health

Purpose of the Report

- To consider the need to formally amend the current timetable (Local Development Scheme (LDS)) for the preparation of the Local Plan.
- To agree to two weeks consultation before considering confirmation of the new LDS.

1 Report Details

Background

- 1.1. On the 15th June 2017, the Local Plan Steering Group received a report that agreed:
 - i. That the Web site is updated to indicate that the existing LDS no longer applies and is being updated
 - ii. That work continues to resolve existing uncertainties to a new time table and that the LPSG be kept aware of this work.
 - iii. That a report be brought before a future LPSG, to discuss a new LDS, in advance of a new LDS being agreed by Planning Committee.
- 1.2. An update of that report was given to the LPSG on 10th October, and that was agreed by Planning Committee on 25th October 2017, which outlined a number of issues that were raising concern at that time.
- 1.3. The Council adopted the current timetable for the preparation of the Local Plan in October 2014. Since that time the Planning Policy Team, supported by the Local Plan Steering Group and Members has worked well to keep to the adopted timetable, most recently with the public consultation on a Draft Plan at the end of 2016. Additional resources have been secured to facilitate this with an augmented staff structure achieved through the implementation of the shared service, including the appointment of an Interim Manager.
- 1.4. Over this period there have also been significant changes in National Planning Policy, with yet more changes signalled through the Housing White Paper and the recent consultation on 'Planning for the right homes in the right places', all of which must be accommodated in the emerging Local Plan if it is to be found sound at examination. Uncertainty has been added to by the recent suggestions of a new

NPPF in the spring of 2018 together with a new approach to identifying ones housing requirement.

- 1.5. Keeping to the timetable proved to be challenging and at times it was necessary to adjust the content of the document at specific stages to allow for gaps in the evidence base, and/or to allow for broader Member involvement and buy-in before key decisions have been taken. Whilst the early stages of plan production can accommodate such a flexible approach, we could not continue on that basis for the Publication Stage, as the version we publish should be the version we expect to submit to the Secretary of State for examination. We should not be making any significant changes, post-publication. To do so could lead to even further delay with additional rounds of consultation being required.
- 1.6. It is therefore of great importance to ensure that we publish a sound Plan based upon a complete and comprehensive evidence base and a thorough consideration of our strategy and approach. This has not been possible with the original timetable for the reasons set out above.
- 1.7. To do this we also need a clear and robust LDS setting out the steps that the Local plan will take.

Current Position

- 1.8. Members will be aware of the threat of intervention that the Council has been under since 17th November 2017 as part of the Government's commitment to accelerating local plan production. The Council has taken stock and assessed the risks associated with pursuing a Plan that may be rendered unsound at examination because of changes that are being introduced which affects the evidence base.
- 1.9. Whilst we raised a number of issues that may cause problems in the October report, a significant step for us was a pre-publication meeting with the Planning Inspectorate (PINS) which took place on 13th December 2017. This meeting raised a number of points for consideration and was helpful and informative.

The PINS meeting

- 1.10. The meeting with PINS was positive in many ways and allowed us to explore a number of planning issues with an experienced Inspector. Whilst overall the Inspector raised no significant concerns in relation to the Plan, he did advise against rushing the plan forward at this point and emphasised the importance of having a sound Plan as opposed to a speedy one.
- 1.11. The PINS advice emphasised four main issues that the Council needed to address before publishing the Plan. These are:
 1. 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.
 2. 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.

3. 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.
4. To take legal advice in relation to the Duty to Cooperate (DtC) issues.

1.12. 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 that is already happening

1.13. Issues 2 & 3 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.

1.14. These first three issues really require full resolution prior to us reaching the Publication stage for the Local Plan. Work has already started in relation to the Duty to Cooperate issue as well.

1.15. 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, there is no alternative approach that would deliver any quicker.

1.16. This has meant that we will not be able to deliver the Publication Draft Local Plan alongside a completed Sustainability Appraisal until late April. Our Local development Scheme timetable has therefore had to be amended to take account of this work.

1.17. The new timetable now looks like this, with comparisons to the draft timetable provided as a comparison.

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	Compressed timescale allowing 4 weeks to get to grips with all objections, but demonstrating that the Council is accelerating plan production where possible. Additional resources may be required to achieve this.
Hearings Commence*	No previous date set	November 2018	Based on Pins suggesting 12 week Minimum – Could be longer but this is in PINS's hands
Inspectors Report*	No previous date set	July 2019	Based On Pins suggesting a year from submission

Adoption	June 2018	September 2019	August and summer Holidays to take account of and agreeing all with Members
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* Subject to Planning Inspectorate time tabling

1.18. This approach has formed the basis of our submission to the Ministry for Housing, Communities and Local Government in relation to the potential threat of intervention by the Secretary of State.

1.19. A copy of the proposed Local Development Scheme is attached at **Appendix 1**. It is proposed that Members approve the Draft Local Development Scheme for publication on the Council's website for public consultation for a period of two weeks. Following which it is proposed to report back to Planning Committee to secure final approval and adoption of the revised timetable.

2. Conclusions and Reasons for Recommendation

2.1 The purpose of the report is to update Members on issues in relation to the Local Plan timetable, agree that amendments to the 2014 LDS are required, and agree a new Draft Local Development Scheme for public consultation.

3 Implications

Finance and Risk Implications

3.1. None. This is part of the existing work plan and is budgeted for.

Legal Implications including Data Protection

3.2 None.

Human Resources Implications

3.3 None.

4 Recommendations

4.1 That the Planning Committee agree :

- 1 To place the draft Local Development Scheme on the web site for public consultation for a period of two weeks.
- 2 Following the consultation, to report back to the Planning Committee to finalise and adopt the new Local Development scheme.

5 Document Information

Appendix No	Title
None	Report on Local Plan Timetable
Background Papers	
None	

Report Author	Contact Number
Rob Routledge	Ext 2299

Report Reference –