

Bolsover District Council

Planning Committee

26th September 2018

Modifications to the Publication Local Plan for Bolsover District
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Report of the Interim Planning Policy Manager

This report is public

Purpose of the Report

- To update members in relation to Local Plan progress and the issues associated with its development;
- To delegate Authority to the Chief Executive Officer to approve Modifications to the Publication Local Plan for Bolsover District in consultation with the Leader and Deputy Leader of the Council and the Chair of Planning Committee.

1. Report Details

Background

- 1.1. Planning Committee on 18th April 2018, approved the Publication Local Plan, for a six week public consultation (2nd May -15th June). Members also agreed that following the Publication and Consultation period the Plan be submitted to the Secretary of State in accordance with regulation 22 of Town and Country Planning (Local Plan) (England) Regulations 2012.
- 1.2. The Plan was submitted on 31st August 2018, without any further amendments taking place. In essence the Examination period has now started although we are still awaiting details of the Inspector and when the Hearing sessions will be held.

2. Issues for Consideration

- 2.1 In order to progress toward formal adoption, a local plan must be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. A local planning authority should only submit a plan for examination which it considers is 'sound'. Paragraph 182 of the National Planning Policy Framework specifies that in order to be considered sound a plan must be:
 - 1) **positively prepared** - based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet

requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- 2) **justified** - the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
- 3) **effective** - deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- 4) **consistent with national policy** - enabling the delivery of sustainable development in accordance with the policies in the Framework.

2.2 Whilst it is considered that the Plan is sound, there are issues that may arise where 'modifications' to the Plan could be considered to make the Plan more 'sound'. These modifications could be quite minor in nature, such as slight amendments to wording for clarity or to rectify typographical errors, or significant in terms of adding in sites or fundamentally changing policies.

2.3 Generally, these modifications will come about in one of three ways:

- 1) on review of representations received we can come to an agreement with the objector that some changes to the Plan can be agreed that will remove their objections. This may often be with statutory undertakers where they want a specific set of wording that they are promoting, but really it makes little difference in Local Plan terms;
- 2) during the hearings where discussions clearly indicate that the Inspector believes that the Plan would be more sound with alterations to policies that we may not have wished to do, but we should accept. This especially applies to when it brings the Plan more in line with the new NPPF, which although this Plan will not be tested against, it will have to operate alongside in the future;
- 3) significant changes to policies and allocations that we may not wish to make, but may have to accept if we are to see an adoptable Plan. Normally this will be at the strong guidance of the Inspector.

2.4 In all of these cases, officers representing the Council will need to be able to quickly consider a way forward, discuss the options and receive authority to amend the Plan in the proposed way, and then be able to confirm the Council's intention to modify the Plan with the Inspector.

2.5 It is therefore considered that delegated authority is required so that possible changes to the Plan can be approved, at short notice, to give officers the authority to propose modifications to the Inspector.

2.6 Towards the end of the Examination, all of the Modifications agreed will need to be consulted on and any responses shared with the Inspector who will consider whether additional sessions are required to address those issues.

2.7 Following the close of the Examination and agreement to all modifications, it will remain a decision for the full Council to adopt the Plan or not. However, it is clearly important that any modifications agreed as part of the process are supported by the Council to allow for the adoption of the Plan.

3. Conclusions and Reasons for Recommendation

- 3.1 Following several years of work, evidence collection and consultation the Plan has reached the last stage before adoption of the Plan.
- 3.2 Developing the Plan has required a lot of difficult decisions to be taken and it is recognised that the Publication Local Plan will still face a significant level of objection from those with specific interests during the Examination. Further difficult decisions may be faced during the Examination.
- 3.3 Therefore it is recommended that the Planning Committee note the contents of this report and agrees the recommendations to delegate authority for modifying the Local Plan as set out above.

4. Consultation and Equality Impact

- 4.1. An Equality Impact Assessment was carried out as part of publishing the Publication Local Plan, and will be completed in relation to the Pre-adoption version of the Plan.

5. Alternative Options and Reasons for Rejection

- 5.1. There are three potential approaches:
 - 1) the Council could decide to progress with the Local Plan in its current form and not agree to any alterations to the Plan, however this is unlikely to lead to a successful outcome as nearly all Plans face some degree of modification;
 - 2) all potential modifications could be formally agreed with Planning Committee, however this may lead to significant delays in the process and the normal Planning Committee structure may not provide the best vehicle for the detailed discussion of options and alternatives;
 - 3) officers could propose amendments as we progress, without Member support, but this creates a democratic deficit and would also lead to possible significant delays at the end of the process if any Modifications are rejected by Members. This could lead to the Examination having to be re-opened.
- 5.2. It is considered that none of these options strike the right balance between accountability based on authority, and being able to propose suitable and supported modifications quickly to the Inspector, which the recommended approach would enable.

6. Implications

Finance and Risk Implications

- 6.1. In terms of finance this is part of the existing work plan and is budgeted for. The approach minimises the finance and risk implications by ensuring that the

examination can proceed in a timely manner with modifications that the Council will support.

Legal Implications including Data Protection

- 6.2. All modifications proposed would be subject to consultation and the ability for individuals to comment at the end of the examination.

Human Resources Implications

- 6.3. None.

7. Recommendations

- 7.1. That the Planning Committee:
- i. Delegate Authority to the Chief Executive Officer to approve Modifications to the Local Plan for Bolsover District policy and text prior to and during the Local Plan Examination Hearings (including but is not limited to the insertion or amendment of maps and illustrations within the document) in consultation with the Leader and Deputy Leader of the Council and the Chair of Planning Committee.

8 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>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input type="checkbox"/> Please indicate which threshold applies</p>	No
District Wards Affected	All

Links to Corporate Plan priorities or Policy Framework	<p>The new Local Plan will identify suitable areas for development to help to deliver the Council's Growth Agenda. It will assist both developers and local residents by providing certainty about the way the district will develop over the Plan period. It therefore contributes to the following Corporate Aims and their identified priority actions:</p> <ul style="list-style-type: none"> • Unlocking Our Growth Potential (main aim); • Supporting Our Communities to be Healthier, Safer, Cleaner and Greener.
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9 Document Information

Appendix No	Title
None	
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)	
Local Plan Evidence Base Documents	
Report Author	Contact Number
Rob Routledge	Ext 2299