



## Planning Policy Committee 25<sup>th</sup> July 2016

### District Wide Local Plan – Commencement, Scope and Timescale

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#### Purpose of report

This report will consider the scope, timetable and commencement of the District Wide Local Plan Part 2.

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#### 1.0 Background

- 1.1 On 11 April 2016, Council resolved that a Local Plan Part 2 be prepared to provide holistic planning policy coverage in a single document through a District Wide Plan.
- 1.2 Local Plans are one of the key drivers to delivering sustainable development that reflects the vision and aspirations of local communities. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the adopted development plan unless material considerations indicate otherwise.
- 1.3 The National Planning Policy Framework (NPPF), published in March 2012, sets out the Government's policy approach towards planning. The NPPF must be taken into account in the preparation of all local and neighbourhood plans.
- 1.4 The NPPF does not change the statutory status of plans as the starting point for decision making, proposed development that accords with an up to date plan should be approved, and that which conflicts should be refused, unless material considerations indicate otherwise. The NPPF goes on to indicate that it is highly desirable that local planning authorities should have an up to date plan in place, in a system which is plan led.
- 1.5 Importantly, the NPPF also requires due weight to be attributed to existing plan policies according to the degree of consistency with the NPPF. Where the development plan is absent, silent or the relevant policies are out of date, the NPPF requires planning applications to be determined in accordance with the presumption in favour of sustainable development, unless otherwise specified (paragraph 14 of the NPPF).
- 1.6 The Government's Productivity Plan, published as part of the July 2015 budget, set out the importance of the development plan in assisting productivity growth, for example, through building sufficient new homes to meet growing demand. It is essential that local authorities use their powers to put in place local plans that set the framework for providing for homes and jobs that local people need. The Government has recently indicated measures to ensure local authorities put into place local plans to meet these objectives through the Housing and Planning Act 2016.

#### 2.0 Plan Making in East Northamptonshire

- 2.1 Whilst the report to Council indicated good progress on the Local Plan Part 1 (through the Joint Core Strategy adoption - JCS) there is further work to be undertaken to ensure more detailed development management type policies are put into place and that, the non-strategic medium/smaller housing allocations are provided for in order to meet the overall housing numbers required through the JCS.

- 2.2 A development plan can comprise either a single document or a number of documents that set out the planning strategy for the local area. For the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004, the adopted Development Plan for East Northamptonshire Council currently consists of the following plans:
- East Northamptonshire District Local Plan Saved Policies – Adopted 1996
  - Rural North and Oundle Local Plan – Adopted 2011
  - North Northamptonshire Core Spatial Strategy (Local Plan Part 1) – Adopted 2008 (to be superseded by the replacement Joint Core Strategy at the Joint Strategic Committee on 14 July 2016)
  - Northamptonshire Minerals and Waste Local Plan – Adopted 2014
  - Higham Ferrers Neighbourhood Plan – Made April 2016
- 2.3 The East Northamptonshire District Local Plan was adopted in 1996 and a number of its policies were saved in 2007, this ensured that they remained part of the development plan prior to the adoption of a new plan. Many of the policies have subsequently been replaced, through the Core Spatial Strategy and the Rural North (RNOT) Plan.
- 2.4 With the adoption of the replacement Joint Core Strategy (July 2016) this will provide up to date strategic policy guidance for the wider North Northamptonshire area, also most of the saved policies from the 1996 Plan will have been superseded as indicated above. However, whilst progress has been made with the strategic Part 1 Local Plan, the Local Plan Part 2 coverage is more sporadic, with the adoption of the RNOT Plan predating the NPPF referred to in section 1 of this report, and little local policy provision within the south of the District (Higham Ferrers Neighbourhood Plan only).
- 2.5 The Northamptonshire Waste and Minerals Local Plan was adopted in October 2014, the Plan, which was prepared by Northamptonshire County Council, and sets out the strategy, policy and locations for minerals and waste development in the county up to 2031.
- 2.6 In addition to the above it is recognised that with the exception of the Part 1 Local Plan policies, all the other local plan policies pre date the NPPF and, given the imminent adoption of the JCS, will soon pre date the replacement Part 1 Local Plan as well.
- 3.0 Scope of the District Wide Local Plan Part 2**
- 3.1 National Planning Policy Guidance requires the Local Plan to make clear what is intended to happen in the area over the lifetime of a plan, where and when this will occur and how it will be delivered. Local Plans should be tailored to the needs of each area in terms of the strategy and the policies required. They should focus on the key issues that need to be addressed and be aspirational, but realistic in what they propose.
- 3.2 Given the imminent adoption of the JCS, which will provide the up to date strategic policies for East Northamptonshire, it is proposed that the main scope of the District Wide Part 2 Local Plan will be as follows:
- Site specific allocations, including residential and employment uses as required, to ensure overall requirements from the Part 1 Local Plan are properly planned for
  - Development management policies to assess the determination of future planning applications
  - Retail/Local centre definitions/boundaries
  - Built and natural environment policies and designations
  - Housing mix
  - Policies Map
- 3.3 The Plan will need to be consistent and in conformity with the JCS, and will therefore provide District-wide policy coverage for East Northamptonshire up to 2031, this will

be in conjunction with future Neighbourhood Plans as they progress towards adoption across the District.

## **4.0 Timetable and Key Requirements**

### Plan Stages

- 4.1 It is a statutory requirement for a Local Plan to be prepared in accordance with the relevant primary and secondary legislation,(ie Planning and Compulsory Purchase Act 2004, as amended, and the Town and Country Planning (Local Development) (England) Regulations 2012, as amended). These Regulations prescribe the form and content of plans and how they should be prepared in respect of procedure. The Regulations also set out the statutory stages including public engagement and the requirement for the publication and submission of documents, including the extent of periods of representation.
- 4.2 The statutory stages are laid down as follows:
- Regulation 18 Public participation from commencement to proposed submission
  - Regulation 19 Publication of the Submission Development Plan Document (effectively the Draft Plan)
  - Regulation 22 Submission of the Development Plan Document
  - Regulation 24 Independent Examination of the Development Plan Document
  - Regulation 25 Publication of the Inspector’s Report
  - Regulation 26 Adoption of the Development Plan Document
- 4.3 In respect of the initial stages of plan preparation, whilst the procedures are required to conform to the Council’s Statement of Community Involvement, there is flexibility in terms the overall approach to be taken by a Local Planning Authority. For subsequent stages of the Plan the legislative requirements are more specific.

### Legal Compliance and soundness

- 4.4 The primary purpose of the examination into a plan is to determine whether a plan is sound and meets the legal requirements including the Duty to Co-operate, which requires a local planning authority to co-operate with other authorities and prescribed bodies (such as Historic England, Environment Agency) when preparing local plans.
- 4.5 Through the examination soundness will be measured against four key tests as follows:
- Positively prepared – the plan should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements
  - Justified – the plan should provide for the most appropriate strategy when considered against reasonable alternatives
  - Effective – the plan should be deliverable over the identified plan period as well as being based on effective joint working on any cross boundary strategic priorities
  - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the NPPF

### Evidence Base

- 4.6 The Local Plan is required to be based on up to date and relevant evidence regarding the economic, social and environmental elements of the plan area. The evidence base required for a local plan will vary depending on the scope of the plan and the nature of the local area.
- 4.7 The evidence base for the Part 2 Local Plan will be derived from existing studies and relevant data, with additional studies undertaken as required. A number of studies

which were previously in process for The Four Towns Plans will require further work, including the need to provide a district wide focus. The following studies, for example, will need to be completed as part of the evidence base;

- Open space and playing pitch strategy, currently being produced by consultants
- Employment Land Assessment
- Town/ Local centres study
- Landscape/historic environment assessment

Sustainability Appraisal and Habitats Regulation Assessment

- 4.8 The sustainability appraisal of development plans is a statutory requirement under the Planning and Compulsory Purchase Act 2004. It is also necessary to conduct an environmental assessment in accordance with the requirements of the Strategic Environmental Assessment Directive (SEA). The appraisal is required to appraise the social, environmental and economic effects of plan strategies and policies and to ensure that they accord with the objectives of sustainable development.
- 4.9 The Sustainability Appraisal, incorporating the SEA, will need to be undertaken as an integral part of the Local Plan Part 2, the specialist nature of this work will require the appointment of consultants.
- 4.10 Under the EU Habitats Directive a Habitats Regulations Assessment is required for any proposed plan which may have a significant effect on one or more European sites. The purpose of the HRA is to determine whether or not significant effects are likely and suggest ways in which they could be avoided. The first stage is to undertake a screening process to establish any likely significant effects the Local Plan may have on any European site and therefore to determine whether a full HRA would be required.

Proposed Timetable

- 4.11 The timetable for the Local Plan Part 2 has been set out taking into account the statutory requirements set out in this report and reflects the general approach reported to Council at the meeting held on 11<sup>th</sup> April 2016.
- 4.12 Detailed requirements will be provided to inform the updated Local Development Scheme (LDS) which will be published by the Joint Planning Unit to clarify what plans are being produced and when within North Northamptonshire.
- 4.13 The LDS is a requirement of the Planning and Compulsory Purchase Act 2004 (amended by Section 111 of the Localism Act 2011) to ensure a clear programme for the preparation and timescale for the delivery of key planning documents is set out.

Stage	Timescale
Formal Commencement/Consultation on the scope of the Part 2 Local Plan/Call For Sites, including Issues/Options Consultation (Regulation 18)	<i>August – October 2016</i>
Publication of Draft Plan and consultation (Regulation 19)	<i>February–March 2017</i>
Submission of Plan (Regulation 22)	<i>June 2018</i>
Examination of Plan (Regulation 24)	<i>Autumn 2018</i>
Receipt of Inspectors Report (Regulation 25)	<i>Early 2019</i>
Adoption of Plan (Regulation 26)	<i>Spring 2019</i>

- 4.14 The existing LDS covering East Northamptonshire was agreed by the Planning Policy Committee in February 2015. It is intended that a revised LDS covering the period to 2031 will be prepared on those timescales indicated above and will be reported to the next meeting of the Planning Policy Committee for information.

- 4.15 Subject to this Committee's approval the timescales summarised above and set out in Appendix A of this report will inform that part of the LDS in relation to the preparation of development plan documents being prepared for East Northamptonshire.

#### Statement of Community Involvement

- 4.16 The Statement of Community Involvement (SCI) sets out how communities and stakeholders can expect to be engaged in the process of planning documents and in the consultation of planning applications. The current SCI was prepared as a joint North Northamptonshire-wide document and adopted by this Council in December 2014. The document is considered to be relevant and up to date and it is not proposed that any further revision is currently required.

#### Consultation on the scope of the Plan (Regulation 18) and Call For Sites

- 4.17 Consultation on the content and scope of the District Wide Local Plan will constitute the first stage and formal commencement of the Plan. This consultation will be accompanied by a "call for sites" where developers and landowners can promote sites for a particular use (ie housing, leisure, and employment). This will ensure that in taking forward the Plan the Local Planning Authority has knowledge of potential future site opportunities. Essentially this exercise will build on information and refresh details, some of which the Authority currently holds.
- 4.18 It is proposed to take forward this first formal stage in the next few weeks. Consequently, it is requested that Planning Policy Committee delegates approval of the Scope of the Plan consultation documentation, the call for sites documentation and the proposed consultation to the Head of Planning Services in consultation with the Chair of Planning Policy Committee.
- 4.19 In order to facilitate the Local Plan Part 2 it is proposed that a series of Councillor workshops will be held, open to all ward councillors, to inform and debate the key elements of the work and proposals as the Plan progresses. This will be in addition to the formal reporting mechanisms undertaken through the meetings of the Planning Policy Committee, which will maintain flexibility in future meeting dates to ensure the efficient progression of the draft Plan in line with the timetable expectations laid out in the LDS. Workshops will be set up, for example, to inform and discuss the evidence base, plan policy content and consultation events. The Planning Policy Committee will receive formal reports, including work programme details, to resolve progression of the Plan in addition to the above examples.

### **5.0 Equality and Diversity Implications**

- 5.1 The production of a Local Plan document requires a comprehensive analysis of its policies to assess any impacts on issues of equality.

### **6.0 Legal Implications**

- 6.1 The requirements for producing a Local Plan are laid out in Planning Regulations. Specifically through the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 6.2 Legal support and advice will be required throughout the preparation process. This will require both internal support and external Counsel advice at key stages.

### **7.0 Risk Management**

- 7.1 The main risk would be in providing a Plan that is appropriately resourced and satisfies the tests for examination. Namely that it has been positively prepared is justified, effective and is consistent with national policy. All risks related with this

project would be entered into the Risk Register and monitored as the project progresses. Project timelines would also be dependent on contractual agreement with the Planning Inspectorate to resource the examination.

## **8.0 Resource and Financial Implications**

8.1 Local Plan Documents are resource intensive and take around 2-3 years to reach adoption. The main costs associated with preparation are the evidence base and the examination process, in particular to ensure the tests for examination outlined in paragraph 8.1 are met to ensure a sound plan. Sufficient resourcing will be required to ensure requirements are met, as a broad example the production of a Local Plan can cost in excess of £200,000 as reported to Council at the meeting held on

8.2 Additional resources will be required to ensure the production of the Plan through to adoption. The detail of which will be subject to a separate report to the Policy and Resources Committee.

## **9.0 Constitutional Implications**

9.1 The District Wide Local Plan Part 2 requires the deletion of the Four Towns Local Plan Working Party and its accompanying terms of reference.

## **10.0 Customer Service Implications**

10.1 The adoption of a Local Plan would ensure a clear policy steer for assessing future planning applications that impact on communities. It would provide up to date and robust planning policy guidance for all of the District's communities and considerably reduce the risk of uncertainty and future costs borne out through planning appeals based on out of date policy.

## **11.0 Corporate Outcomes**

11.1 The preparation of a Local Plan is a comprehensive project, and is anticipated to have an impact on most of the Corporate Plan outcomes, but in particular as follows:

- Good Quality of Life – for example through policies relating to design
- Effective Partnership Working – Local plan preparation involves close partnership working with a wide variety of stakeholders to inform the evidence base.
- Effective Management – Fulfilling legal requirements and maximising the effectiveness of the planning service.

## **12.0 Recommendation**

12.1 The Committee is recommended to

- (1) Agree the scope of the District Wide Local Plan as set out in paragraphs 4.2-4.3

*(Reason – To provide clarity in respect of the content and purpose of the Plan in advance of future public consultation )*

- (2) Agree the timetable for the preparation of the District Wide Local Plan as set out in paragraph 5.13 and that the timescales inform the update to the Local Development Scheme to be published in due course

*(Reason – To inform the legislative requirements, which are to be included in the revised Local Development Scheme)*

- (3) Delegates approval of the Scope of the Plan consultation documentation, the call for sites documentation and the proposed consultation to the Head of Planning Services in consultation with the Chairman of Planning Policy Committee as set out in paragraph 5.18

*(Reason – to ensure efficiency in taking forward technical aspects of the Plan in meeting timetable requirements)*

<b>Legal</b>	Power: Town and Country Planning (Local Planning) (England) Regulations 2012				
	Other considerations: National Planning Policy Framework				
<b>Background Papers:</b> None					
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