Purpose of report

This report sets out current issues impacting on the Local Plan delivery timetable and seeks to set out a way forward to address those issues, along with a proposed revised timetable.

Attachment

Appendix 1: Revised Local Development Scheme

1.0 Background

1.1 A Local Plan Part 2 is currently being prepared for East Northamptonshire to provide more detailed planning policy guidance in order to address identified shortfalls in strategic housing requirements, as set out in the North Northamptonshire Joint Core Strategy, and to provide detailed policy guidance to assist the determination of future planning applications within the District.

1.2 Progress of the Local Plan, along with key issues arising, has regularly been reported to this Committee. Government requires local planning authorities to plan positively for their area to address the priorities for the future development and use of land, the timescale of which will be set out in a Local Development Scheme. This is required by legislation to provide a clear indication of the type of documents that will be produced and when.

2.0 Local Plan Part 2 Issues impacting on progression/suggested way forward

2.1 All representations submitted as part of the draft Local Plan consultation, which was undertaken late 2018 to early 2019, have now been considered by this Committee. This has resulted in officers undertaking additional work to inform the policies and content of the Local Plan. This work is currently ongoing.

2.2 At the last meeting of the Planning Policy Committee, held on 29th July 2019, officers reported the final series of representations submitted on the draft Local Plan, relating to the proposed Oundle housing site allocations. The Committee resolved to defer approving the draft site allocations for Oundle, and agreed that further consultation of the Local Plan be postponed until the outcome of the examination of the Oundle Neighbourhood Plan was known.

2.3 The Oundle Neighbourhood Plan seeks to bring forward alternative housing site proposals to those proposed allocations set out in the draft Local Plan, with the exception of the site located north of Stoke Doyle Road, which is proposed in both Plans. That said, it should be recognised that a neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or
spatial development strategy.

2.4 Members of this Committee are aware that whilst there has been clear progress in recent months with the Oundle Neighbourhood Plan there remain significant issues for the Plan to overcome through its forthcoming examination.

2.5 Since the 29th July 2019 meeting of the Planning Policy Committee, public consultation on the Regulation 16 has been undertaken this has raised some fundamental concerns regarding the Neighbourhood Plan. Responses have been made by a number of organisations including an officer response and developer representations. These representations are required to be reported back to this Committee and are set out as a separate report on the agenda of this Committee for information. Of particular importance here is the failure of the Neighbourhood Plan to address extant strategic policy direction.

2.6 In summary, regulation requires that, should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Legislation is clear that extant policy therefore carries significant weight to be taken into account in emerging policies when plan making. The implications of this for the emerging Oundle Neighbourhood Plan are set out below.

2.7 Paragraph 8.18 of the Rural North, Oundle and Thrapston Local Plan (RNOTLP) remains extant and provides strategic guidance as follows:

"PPS3 requires the Plan to indicate possible locations for housing development from 11-15 years from the date of adoption i.e. from 2018/19 till after 2021. The Sustainability Assessment work has identified two particular sites which stand out as possible longer term site allocations. These sites which could come forward following reviews of the Core Strategy and this Plan, are:

- Land to the rear of the cemetery, Stoke Doyle Road
- Land off Cotterstock Road/St Peter’s Road"

2.8 Further, the Glapthorn Neighbourhood Plan examiner concluded that the draft Glapthorn Neighbourhood Plan was seeking to undermine the RNOTLP by excluding the opportunity for development in respect of the Cotterstock Road area (adopted strategic policy), so “cannot be found to be in general conformity with the strategic policies of the Development Plan unless a suitable modification is made” (Examiner’s Report, paragraph 112).

2.9 The Oundle Neighbourhood Plan no longer proposes an allocation for housing development at Cotterstock Road, having allocated alternative sites through the Regulation 16 consultation. The implications of proposing such changes and the justification of any evidence provided to support the new approach will be considered by the examiner as part of the Plan examination.

2.10 An examiner has now been appointed to undertake an examination of the Neighbourhood Plan, however it is not known at this stage whether the Plan will be examined through written representations or whether a public hearing would be required, though the latter approach is much less common. It is therefore difficult to provide Members with specific timings at this stage, however, it is anticipated that the examination will take place this Autumn. It is more difficult to predict the outcome of
the examiner’s report and when that would be released though, again, this could be anticipated by the end of the year.

2.11 The examiner’s report into the Oundle Neighbourhood Plan will be crucial in respect of this Committee’s resolution to delay its Local Plan. It should be noted that the examiner determines whether the Neighbourhood Plan has met the basic conditions, which includes that the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority. The examiner may also recommend that modifications are made in advance of the Local Planning Authority determining whether the Neighbourhood Plan can progress to referendum (which would be anticipated early in 2020). It is likely that modifications would be required in advance of a referendum.

2.12 In addition to the above, concerns have previously been raised in respect of ensuring that the Local Plan provides a robust response to meeting future housing requirements across the District up to 2031. These concerns have also been raised through representations submitted as part of the draft Local Plan public consultation.

2.13 This Committee was made aware of these concerns in relation to the officer responses in respect of the Housing Delivery chapter representations on the Local Plan, considered at the 10th June 2019 meeting. It was agreed to report back at a later date options for consideration, particularly in relation to the potential for assessing the need for additional housing allocations to ensure that the Local Plan was not just achieving minimum housing requirements set out in the Joint Core Strategy (Policy 28 and Table 5) or, in a worse case scenario, failing to meet minimum housing requirements.

2.14 It should be made clear that the situation is not considered as an issue for the 5 year housing land supply position at this point in time; moreover, it is a longer term issue relating to meeting housing requirements throughout the Plan period up to 2031.

2.15 Members will be aware that the larger strategic housing requirements, for example at Rushden East and Irthlingborough West, require the completion of master planning in advance of any future planning applications being determined. The current housing trajectory anticipates that a significant amount of development is unlikely to be completed in advance of the end of the Plan period in respect of these sites.

2.16 To ensure that the council continues to provide a proactive approach to future growth, and looks to submit a robust Plan to examination that reduces risks associated with future housing delivery requirements, it is recommended that officers undertake additional work to properly assess the level of need for any potential additional requirement, and to assess opportunities for meeting that need. The council’s Housing Land Supply position was reported the 22nd October 2018 meeting of this Committee and is due to be updated and brought to the next meeting of this Committee. The outcome of this work would then be reported back to this Committee as part of the ongoing progress of the Local Plan in addressing the representations submitted during the draft Local Plan public consultation.

2.17 This work is not required to address a strategic level of additional housing provision that would more appropriately be addressed through a future review of the Core Strategy. The focus would be on making additional housing provision that may fall out of the housing trajectory (i.e. would occur later than originally planned for and fall out of the Plan period up to 2031). It is currently anticipated that there may be a potential requirement for up to 500 new dwellings to be factored into the Local Plan Part 2
housing allocations in advance of submitting the Plan for examination in 2020. The approach to considering the potential for allocating additional development will need to assess the merits of future sites that would be both viable and capable of delivering growth within the Plan period, ensuring sustainability and take into account the growth strategy set out in Policy 29 (the distribution of new homes) of the Joint Core Strategy which provides for a strong focus at the Growth Towns (i.e. Rushden, in East Northamptonshire) as the most sustainable locations for development, followed by the Market Towns.

2.18 In addition to the above, the Authority’s Local Development Scheme, which provides a published timetable for the production of development plan documents, is now out of date. Pre submission consultation of the Local Plan was anticipated to take place August/September 2019 with submission in October 2019. Given the level of the representations received following the draft Local Plan consultation, the position in respect of the emerging Oundle Neighbourhood Plan, and the potential need to plan for additional housing allocations as described in paragraphs 2.16 and 2.17 above, the timetable will need to be revised.

2.19 It is proposed that a revised timetable should provide the opportunity to assess the implications for undertaking additional work in relation to meeting future housing requirements. This work, if agreed, would be undertaken during the time period up to Christmas 2019. Effectively as the Committee has previously resolved to postpone any further consultation of the Local Plan in advance of the position in relation to the Oundle Neighbourhood Plan being made clear, this additional work would not impact greatly on a revised timetable for delivering the Local Plan. Indeed in light of the Committee’s decision the Local Development Scheme (LDS) needs to be updated.

2.20 The Committee’s agreement is therefore sought for a revised LDS timetable, which will be made publically available on the council’s website and is required to be kept up to date to enable local communities and interested parties to keep track of progress.

2.21 A detailed, revised timetable is attached to this report (Appendix 1) which will provide an opportunity to progress the Local Plan taking into account the implications arising from the examiner’s report into the Oundle Neighbourhood Plan, and to consult on any new proposals which may arise, thereby allowing a robust Local Plan to be submitted for examination in 2020, and adopted by this Council in advance of the new Unitary Authority coming into being in April 2021.

2.22 In summary the proposed revision to the LDS stages and timescales are as follows:

<table>
<thead>
<tr>
<th>Stage</th>
<th>Timescale</th>
</tr>
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<tbody>
<tr>
<td>Pre submission Local Plan consultation</td>
<td>Spring 2020</td>
</tr>
<tr>
<td>Submission of Local Plan to Secretary of State</td>
<td>Summer 2020</td>
</tr>
<tr>
<td>Local Plan Examination</td>
<td>Autumn 2020</td>
</tr>
<tr>
<td>Public consultation on Main Modifications to the Plan</td>
<td>Winter late 2020</td>
</tr>
<tr>
<td>Receipt of Planning Inspector’s Report</td>
<td>Winter early 2021</td>
</tr>
<tr>
<td>Adoption of Local Plan</td>
<td>Winter early 2021</td>
</tr>
</tbody>
</table>
3.0 Equality and Diversity Implications

3.1 The preparation of the Local Plan Part 2 requires an Equality Impact Assessment to fully consider the impact of its policy proposals. This will be submitted to the Secretary of State as part of the evidence base for the Local Plan, for examination.

4.0 Privacy Impact Implications

4.1 All representations submitted as part of the Local Plan process are redacted to ensure that personal information is not published alongside the submitted representation.

5.0 Legal Implications

5.1 The Local Development Scheme is subject to legislative requirements as set out in the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 (as amended). It is required to be kept up to date and published on the local authority’s website.

6.0 Risk Management

6.1 The main risks in preparing the Local Plan Part 2 are:

- Maintaining progress to ensure that key stages are met to enable the Plan to proceed as efficiently as possible to examination and adoption.
- Ensuring the availability of resources to enable the Plan to progress efficiently.
- Ensuring that the Plan satisfies the tests for examination, namely that it has been positively prepared, is justified, is effective, and is consistent with national policy.

6.2 The main risks of failing to produce a Local Plan are:

- The lack of an agreed local planning policy framework for determining development proposals and for demonstrating the council’s 5 year land supply that could otherwise lead to a risk of unwanted development.
- Development being allowed on appeal on sites that the council and local communities have not agreed. This also brings the potential of costs being awarded against the council with regard to planning appeals and public inquiries.
- Poorer outcomes from future planning applications that fail to deliver up to date guidance contained in the plan policies.
- A lack of up to date planning policy guidance for the East Northamptonshire area in the transition to unitary government for North Northamptonshire.

Risks, as identified in paragraphs 8.1 and 8.2 of this report, are identified through a risk register and mitigation is informed through regular project management and reporting procedures.

7.0 Resource and Financial Implications

7.1 In addition to existing staff costs, the main costs in the preparation of a Local Plan Part 2 relate to the completion of the evidence base and funding the independent examination process, which is undertaken by the Planning Inspectorate and supported by a programme officer.
7.2 Much of the evidence base has been completed, outstanding costs will be met through existing budgets. The provision of circa £75,000 to £100,000 is expected to be required during 2020 (financial year 2020/21) for taking the Plan through to adoption. Funding to support this has previously been approved by Council.

8.0 Constitutional Implications

8.1 None arising from this report.

9.0 Implications for our Customers

9.1 The adoption of the Local Plan will ensure that the council, and its successor council, will have a clear and up to date statutory planning policy framework to inform decisions on planning applications, which take account the needs of local communities, particularly in respect of addressing housing, employment and community infrastructure needs. It would also help improve the quality of future planning permissions by ensuring that planning policies reflect both national guidance and reflect local aspirations.

10.0 Corporate Outcomes

10.1 The preparation of the Local Plan Part 2 is a comprehensive project, and is anticipated to have an impact on most of the Corporate Plan objectives, but in particular as follows:

The Corporate Outcomes are:

- Good Quality of Life – Through policies relating to sustainable development, economic prosperity, healthy communities and good design.
- Effective Partnership Working – Local Plan preparation involves close partnership working with a wide variety of stakeholders to inform the evidence base and plan policies.
- Effective Management – Fulfilling legal requirements and maximising the effectiveness of the planning service.

11.0 Recommendations

11.1 The Committee is recommended to:

1. Agree the additional work as set out in paragraph 2.16 of the report to be undertaken to inform the Local Plan in advance of pre-submission

   (Reason – to ensure a robust approach to future housing delivery)

2. Agree that the outcome of this work be brought back to the Committee later in the year for determination

   (Reason- to ensure a robust approach to future housing delivery)

3. Agree to the revision to the Local Development Scheme as set out in Appendix 1

   (Reason – to accord with legislation)
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<tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Planning and Compulsory Purchase Act 2004</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Localism Act 2011 (as amended)</td>
</tr>
<tr>
<td></td>
<td>Other considerations:</td>
<td>National Planning Policy Framework</td>
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<td>Background Papers:</td>
<td>None</td>
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<tr>
<td>Person Originating Report:</td>
<td>Richard Palmer Planning Policy Manager</td>
<td>01832 742142  <a href="mailto:rpalmer@east-northamptonshire.gov.uk">rpalmer@east-northamptonshire.gov.uk</a></td>
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<tr>
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<td>CX</td>
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Appendix 1

Revised Local Development Scheme – September 2019

The Planning and Compulsory Purchase Act 2004 requires the District Council to produce and maintain a Local Development Scheme (LDS), the statutory project plan/ timetable for the preparation of the Local Plan. It is necessary to review the LDS regularly in order to keep this project plan and timetable up to date.

A revised summary timetable is set out below:

<table>
<thead>
<tr>
<th>Plan Stage</th>
<th>Timescale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Formally Commence Consultation on the scope of the Part 2 Local Plan/ Call For Sites, including Issues/Options Consultation (Regulation 18)</td>
<td>January – March 2017</td>
</tr>
<tr>
<td>2  Evidence gathering – Member and Town/ Parish Council and stakeholder workshops/events</td>
<td>May 2017 – April 2018</td>
</tr>
<tr>
<td>3  Draft Plan consultation</td>
<td>November 2018 – February 2019</td>
</tr>
<tr>
<td>4  Additional Assessment work and public consultation on outcomes</td>
<td>October 2019 – February 2020</td>
</tr>
<tr>
<td>5  Pre-Submission Local Plan public consultation (Regulation 19)</td>
<td>May 2020</td>
</tr>
<tr>
<td>6  Submission of Local Plan to Secretary of State (Regulation 22)</td>
<td>Summer 2020</td>
</tr>
<tr>
<td>7  Local Plan Examination in Public (Regulation 24)</td>
<td>Autumn 2020</td>
</tr>
<tr>
<td>8  Public Consultation on Main Modifications to the Local Plan</td>
<td>November – December 2020</td>
</tr>
<tr>
<td>9  Receipt of Planning Inspector’s Report (Regulation 25)</td>
<td>January 2021</td>
</tr>
<tr>
<td>10 Adoption of Local Plan (Regulation 26)</td>
<td>February 2021</td>
</tr>
</tbody>
</table>
## Local Development Scheme 2019-2021

<table>
<thead>
<tr>
<th>Local Plan: Part 2</th>
<th>2019</th>
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<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>District-wide Local Plan (site specific)</td>
<td></td>
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</tr>
</tbody>
</table>

### KEY:
- Public consultation Draft Local Plan
- Plan drafting and preparation
- Additional assessment and public consultation
- Public consultation on pre submission Plan (Reg 19)
- Possible consultation on main modifications
- Submission to Secretary of State (Reg 22)
- Examination Hearings (Reg 24)
- Receipt of Inspectors Report (Reg 25)
- Adoption of Local Plan Part 2 (Reg 26)