

Cabinet Report

Report of Head of Planning

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To: CABINET

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Local Plan Local Development Scheme Statement of Community Involvement consultation

Recommendations

(a) to agree, subject to Council approving budget provision for a Local Plan (12 February 2020), to endorse the Local Development Scheme programme of work for preparing the new Local Plan and associated Development Plan Documents

(b) to agree publication of the revised Statement of Community Involvement for public consultation for a period of six weeks.

Purpose of Report

1. To ask Cabinet, subject to agreement by Council regarding budget provision, to endorse the work programme set out in the Local Development Scheme (LDS) for the preparation of the new Local Plan and associated documents.
2. To provide cabinet with the information needed to approve the revised Statement of Community Involvement for public consultation.
3. To understand the budget implications regarding the preparation of a new Local Plan in the context of budget setting for 2020/21 and the Medium Term Financial Plan (MTFP), which Cabinet and Council will be considering.

Corporate Objectives

4. The new Local Plan will continue to be central to the achievement of the 2016-2020 Corporate Plan's objectives for:
 - A strong local economy
 - Housing for people who need it

Background

5. The Council adopted the Local Plan Part 1 in December 2016 and Local Plan Part 2 in October 2019. The Regulations and the National Planning Policy Framework 2019 (NPPF) state that local plans should be reviewed at least once every five years. To ensure we have an up to date local plan, we should in the very least have reviewed our strategic policies, by December 2021 (5 years from adoption of LPP1).
6. The three options set out in a report to Cabinet, 4 October 2019 (to consider the adoption of Local Plan 2031 Part 2) included an indicative timetable for the preparation of a new local plan. A new local plan will enable the Council to set out its priorities for development within the district over a new plan period.
7. In preparing a new Local Plan and in order to satisfy the requirement of the NPPF, the authority has to prepare and maintain a Local Development Scheme (document that sets out the key project milestones) as well as having an up to date Statement of Community Involvement (SCI).

Statement of Community Involvement

8. In addition to plan making, the Planning and Compulsory Purchase Act 2004 (as amended) places a duty on Councils to produce a Statement of Community Involvement. The SCI is a local development document which sets out the Council's policy for involving interested parties in matters relating to development in its district.
9. The SCI, attached at Appendix 1, is a local development document setting out how the Council will involve interested parties in matters relating to development in our district. In particular, it is a statement about how the Council will involve the public and other stakeholders in the preparation and revision of local development documents and in the exercise of its functions in relation to planning applications.
10. Since the adoption of the previous SCI (December 2016) there have been several important changes to national planning legislation, as well as local changes (adoption of LPP2, changes in local council administration). The revised SCI has enabled a review of existing approaches, drawing on experience and reflecting new methods of public engagement and involvement, particularly through social media.
11. When a development plan document (DPD) is subjected to an examination, the Inspector must be satisfied that the DPD has been prepared in compliance with the council's SCI and that the SCI itself meets the requirements set out in the planning regulations.

12. In addition, a statutory requirement requires the Council to review its SCI every five years.¹
13. The proposed refreshed SCI brings the document up-to-date consolidating it into a single document. The refresh includes changes to make clear the principles for consultation in relation to:
- involving interested parties in stages of plan making,
 - a requirement to set out policies for giving advice or assistance on a planning matter (for example, Neighbourhood Planning, Community Infrastructure Levy and the duty to co-operate)
14. The SCI already identifies who is involved in the stages of plan making.² Updates to the SCI seek to make it clear as to how interested parties can be kept informed throughout all the stages of the plan making process, as well as to what advice and assistance they can expect from the planning service.
15. The revised SCI is formatted to make it a more visually appealing document through a greater use of graphics and less text. In addition, several minor changes throughout the draft document provide factual updates or clarifications.
16. Although there is no statutory requirement to consult on the SCI, officers believe it is appropriate to do so for a period no less than six weeks as this accords with the current timescales in the existing SCI. It does exceed the Council's Public Engagement Charter (2016-2020) of four weeks. Feedback on these changes will help clarify the necessary approach to consultation on planning matters. The results of this public consultation and any recommended changes will be reported back to Cabinet prior to its approval.

Local Development Scheme

17. Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires Councils to prepare, maintain and publish a Local Development Scheme (LDS). The LDS is a project plan for the production of the Local Plan and other council planning policy documents. It sets out the timetable for the production of Development Plan Documents (DPDs), including key production and public consultation stages.
18. The current LDS was prepared in February 2018. Following the adoption of LPP2 a new LDS is now required. The revised LDS (Appendix 2) sets out the timetable for preparing a new Local Plan for the district and also provides detail of the Oxfordshire Plan 2050, which, will form part of the development plan for the district. The LDS must be available publicly to enable the community, businesses, developers, service and infrastructure providers and other stakeholders and interested organisations to know which DPDs are to be prepared and when they will be able to participate in their preparation.

¹ New Regulation 10A The Town and Country Planning (Local Planning) (England) Regulations 2012 came into force 6th April 2018 via The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

² This includes, stakeholders, communities and other interested parties.

19. Although normally officers revise and update the LDS in consultation with the Cabinet Member for Planning, in this instance, as the council will be committing to starting a new local plan with its associated resource implications, it is appropriate that the LDS is considered and endorsed by Cabinet.
20. The LDS does not contain the timetable for emerging Neighbourhood Plans in the district, although these will form part of the development plan. This is because Neighbourhood Plans are not prepared by this Council, but instead by the relevant town and parishes. However, it does include a schedule for the preparation of the Community Infrastructure Levy (CIL) documents, following adoption of LPP2 as well as to reflect government changes to CIL which came into force on 1 September. The current CIL Charging Schedule was adopted in September 2017.
21. Further documents may need to be added to the LDS programme throughout the year as the need for them becomes apparent (and resources allow). This could include any supplementary planning documents which are deemed necessary and can be funded.

Local plan costs and potential budget

22. Although there is a recurring base budget within the planning service (subject to Council setting the budget annually) for staffing and undertaking policy work (commissioning expert evidence studies, consultation), significant additional one-off costs are incurred in producing a local plan, e.g. legal and examination costs.
23. The cost over the plan making period to start a new local plan have been estimated, based on previous examples and experience, and are set out in the table below. These estimated costs are based on a new Vale Local Plan, which would seek to build on the policies and evidence supporting Local Plan 2031 (Parts 1 & 2), as well as evidence which is available through the preparation of the Oxfordshire plan 2050.

Vale Local Plan Estimated Costs	Estimated costs (exclude staffing)					
	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Consultation		35,000	56,000	67,000	29,000	
Legal		30,000	30,000	70,000	70,000	
Examination				40,000	75,000	
Evidence studies	95,000	355,344	206,340	283,340	186,340	
HELAA	20,000	10,000	10,000	5,000	5,000	
Sustainability Appraisal	20,000	15,000	10,000	10,000	10,000	
TOTAL	135,000	445,340	312,340	475,340	375,340	

24. The existing proposed base budgets within the planning service over the current MTFP 2019/20 to 2024/25 is as follows and the highlighted line is additional funds that would be required were Councillors to choose to progress a new local plan at this time and subject to Council consideration in February.
25. It must be noted that the proposed base budget has been wholly focused towards funding a new local plan (including the SCI) and not for any Supplementary Planning Documents (SPDs) which are discretionary. Any SPDs that are required are therefore likely to increase costs further, unless alternative funding /resources are made available. As with all major budget changes, only Council can approve this activity, and

thus any agreement to the SCI and LDS is subject to Council agreeing budget provision for the local plan.

26.

Vale Local Plan proposed budget	Policy Budget (exclude staff)					
	Approved	Proposed				
	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Fees and hired services	101,490	101,490	101,490	101,490	101,490	101,490
Consultants - projects	24,200	24,200	24,200	24,200	24,200	24,200
Infrastructure feasibility & design	49,650	49,650	49,650	49,650	49,650	49,650
Local Plan Part 2 (Growth bid 2019/20 revised use)		220,000	25,000			
Transport feasibility studies		50,000				
Local Plan examination (budget carry forward)	497,000					
Currently profiled year end Saving (assuming LP starts in 2019/20)	-375,000					
Potential Essential Growth bid 2020/21			112,000	300,000	200,000	
TOTAL	297,340	445,340	312,340	475,340	375,340	175,340

Options

27. The alternative option is to not prepare a new Local Plan. There are a significant number of risks, set out in Appendix 3. Additionally, Local Plan Parts 1 & 2 were developed and examined under the NPPF 2012, which itself has been revised and a new NPPF, has been in place since February 2019, which means there is risk that the policies within the plan are out of date and not in conformity with the NPPF.

Financial Implications

28. Councillors will be aware, any decision that has financial implications must be made with the knowledge of the council's overarching financial position. This is as reflected in the council's MTFP as reported to Full Council each February as part of the budget setting report. The February 2019 MTFP and the budget report showed that the council was due to receive £474,000 less in revenue funding than it planned to spend in 2019/20 (with the balance coming from accumulated New Homes Bonus). This funding gap is predicted to increase to over £5.6 million per annum by 2023/24. Every decision should be made in cognisance of the need to eliminate this funding gap during the next five years.

29. Thus, in considering a decision to commence a new local plan, which spans several years, the financial implications must be assessed and agreed, and the longer-term financial viability of the Council considered. Hence the recommendations in this report are subject to consideration of the Council's budget in February.

30. In addition, in developing new policy approaches for the council, budgetary implications need to be considered alongside competing priorities in the MTFP. Councillors have only informally considered the content of their Corporate Plan, which usually drives budget commitments going forward.

Legal Implications

31. The Council has a statutory duty to prepare a SCI. The Council, may at any time, make a revision to a local development document. The involvement of the public in preparing planning documents and the consideration of planning applications are to follow the approach set out in the SCI.
32. The council must also publicise its intended timetable for producing the Local Plan. This information is contained in the Local Development Scheme, which the Council makes available on its website and must keep it up to date.

Risks

33. An analysis of the potential risks has been carried out. These alongside the proposed actions/contingency approach to managing them are set out in the table in Appendix 1.

Conclusion

34. Councillors will need to consider funding, including the additional one-off costs, to facilitate the preparation of a local plan. The tables and the funding gap identified within this paper assumes there will be no new SPDs during this period funded out of the planning policy budget.
35. The SCI has been reviewed to bring it up to date with current communication and engagement practices. Agreement is being sought for public consultation on the attached SCI. Following the public consultation, the document will be further refined before it is recommended to Cabinet for adoption.

Background Papers

None