

## **CABINET**

<b>DATE</b>	06/10/2021
<b>REPORT OF</b>	Councillor Stewart Swinburn, Portfolio Holder for Environment and Transport
<b>RESPONSIBLE OFFICER</b>	Sharon Wroot – Executive Director of Environment, Economy and Resources
<b>SUBJECT</b>	Local Plan Review
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	CB 10/21/07

### **CONTRIBUTION TO OUR AIMS**

The current Local Plan was adopted in March 2018. The Plan supports the Council's priorities of 'Stronger Economy and Stronger Communities.

### **EXECUTIVE SUMMARY**

This report provides information on the review of the North East Lincolnshire Local Plan which was triggered by a Cabinet decision on 10 June 2020. Work on the review had been paused to assess the implications of the Government Planning White Paper. This report sets out the background to a recommendation to recommence work on the local plan review in accordance with the requirements of the National Planning Policy Framework (NPPF) 2021, and publication of a revised Local Development Scheme.

The review process will take at least three years to complete and must follow the same processes involved in preparing the current local plan, only then can the adopted 2018 Local Plan be superseded. The planning process does not stop while a local plan is under review.

### **RECOMMENDATIONS**

It is recommended that Cabinet agree to recommence work on the Local Plan, progressing the work in accordance with the original Cabinet decision as set out on 10<sup>th</sup> June 2020.

### **REASONS FOR DECISION**

The original decision to commence the review of the Local Plan was made reflecting changes that had been introduced to the NPPF since the Plan was adopted.

An informal decision to pause key elements of work on the review was made after the Government published its Planning White Paper in August 2020. This proposed significant and wide-ranging reforms to the planning system, including revision to the process of preparing a local plan and to its form and content. It was considered appropriate at this time to await publication of the Government's response to the White Paper to gain a better insight into the changes that would eventually be

brought forward through legislation.

Unfortunately, there have been significant delays in the Government bringing forward its response, partly because of the number of responses received on the white paper and the level of objection to many aspects of the proposals as presented. The Government has continued however, through this period to introduce further changes to the planning system through the NPPF and through revisions to the Use Classes Order.

Whilst these changes will need to be addressed as part of the review, they are not the key reason for recommencing work on the review.

The Council has a requirement, as set out in the NPPF to undertake an annual assessment of the five year housing land supply. This year the assessment identifies only a 4.2-year supply. Dipping below a five year supply has significant implications, as it triggers the “presumption in favour of sustainable development” (NPPF paragraph 11d) and effectively opens the door to the submission of speculative planning applications.

## **1. BACKGROUND AND ISSUES**

### **Local Plan Review**

- 1.1. The Cabinet report on 10<sup>th</sup> June 2020 (“the Cabinet report”) set out that changes to the NPPF now require local plans to be reviewed to consider whether they need to be updated within five years of being adopted. The North East Lincolnshire Local Plan was adopted in March 2018, a review must therefore be undertaken and be complete by 2023.
- 1.2. Attached to the Cabinet report was a completed assessment based on a toolkit produced by the Planning Advisory Service (PAS). Parts 1 and 2 provided a check to determine which policies may be out of date for decision making, or where circumstances may have changed since the plan was adopted. The Cabinet report and completed PAS assessment provided the evidence that triggered the review. The Council will need to address further changes to the NPPF which have been introduced since this assessment was prepared as well as addressing other key govt themes highlighted in new strategies or other legislation.
- 1.3. The decision on the Cabinet report delegated authority to the Director of Economy and Growth (now Executive Director of Environment, Economy and Resources), in consultation with the Portfolio Holder for Environment and Transport to:
  - Approve the commencement of the review of the North East Lincolnshire Local Plan;
  - Agree the principles that will guide the review of the Local Plan, and
  - Approve and commence consultation to determine the full scope of the review.
- 1.4. As set out in the Cabinet report much of the local plan is operating effectively and the evidence which supports many of the policies is robust and up to

date, however, the scope of government changes has now expanded which will need to be addressed.

1.5. The principles that were originally agreed were as follows:

- Maintain a single all-encompassing local plan;
- Maintain a pro-growth strategy which supports the council's economic strategy;
- Produce a plan which is viable and deliverable, and
- Revise the Plan only where necessary to address the changes to the NPPF or where the need is highlighted in the PAS toolkit.

1.6. It is considered appropriate that the principles as set out should still be followed, but it is important to note some important recent changes to the NPPF which will now have greater emphasis in the local plan review:

- An increased emphasis on design quality;
- An increased focus on addressing aspects of climate change;
- A drive to improve the environment. (Note: impending Environment Bill bringing forward mandatory 10% biodiversity net gain), and
- A broadening of the timeframe, larger developments now set within a vision looking ahead at least 30 years.

## **Local Development Scheme**

1.7. To provide clarity on the timescales for the preparation of the Local Plan review a new Local Development Scheme (LDS) will need to be published. It is a legal requirement to have a publicly available, up-to-date LDS. It should set out what is a realistic but challenging timescale for the Local Plan review and will include both statutory and non-statutory consultations as set out in national planning guidance:

- Regulation 18 (non-statutory) – the initial stage of consultation to establish the final scope of the local plan review;
- Regulation 19 (statutory) – the pre-submission stage, which includes a formal six-week consultation period, and
- Regulation 22 (statutory) – the plan, evidence base and all comments received during the Regulation 19 consultation are submitted to the Secretary of State for independent examination.

1.8. It is considered appropriate to prepare and consult on the scope of the Local Plan review before establishing the timeframe for the key milestones.

## **2. RISKS AND OPPORTUNITIES**

2.1. There are a number of risks in recommencing the review of the local plan at this time.

2.2. The first is the uncertainty over the scope and timing of the planning reforms. There is a danger that the Government will introduce new legislation requiring all local planning authorities to produce a new style plan before the Council has progressed its new local plan to submission stage. This is the cut-off point

at which a council would be allowed to continue a plan through to adoption. Failure to reach this stage could result in some abortive work and associated costs. There is currently significant uncertainty, both on the detail and timing of new legislation which makes assessing this risk extremely difficult.

- 2.3. This risk is in part mitigated by the fact that much of the work in preparing the plan would still be of value even if the cut-off date is missed.
- 2.4. The second risk is controlling the scope of the review, there is a risk that the scope is expanded beyond what is necessary to address changes to the NPPF. Failure to control these aspects would extend the timeframe for producing the plan, increase costs and increase the risk of missing the cut off date.
- 2.5. Given the position with the five year supply assessment which has now reached a critical point and delays in progressing the planning legislation it is considered prudent to recommence the review.

### **3. OTHER OPTIONS CONSIDERED**

There is an option to further delay the commencement of the review of the Plan, but this introduces additional risks in relation to period of time the Council is unable to demonstrate a five year supply; and as a consequence would lengthen the period when developers may bring forward speculative developments.

### **4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

There are potential positive /negative reputational implications for the Council resulting from this decision. An action plan will be agreed with the Council's communication team to manage the messages and consultations undertaken.

### **5. FINANCIAL CONSIDERATIONS**

The costs of preparing the review documents and engagement through the process will be met by ENGIE. There will be a requirement to update some evidence documents, the need for which will be defined by the scope of the review; the costs for updating these documents will be split between the Council and ENGIE. The cost of the inspector at the local plan examination will need to be met by the Council.

### **6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

The local plan includes many policies that have climate change and environmental implications. The Government has strengthened the approach to these aspects in the NPPF and is introducing new legislation through the Environment Bill which will strengthen this further. The review will need to address these changes.

### **7. CONSULTATION WITH SCRUTINY**

The proposed changes identified in the review will be considered by Scrutiny in due course through the plan preparation.

## **8. FINANCIAL IMPLICATIONS**

The cost to the Council of the examination, when it takes place will need to be met by the council when this occurs. It is estimated to be in the region of £100k.

## **9. LEGAL IMPLICATIONS**

The legal implications arising and prompting a review are covered in the above report and that of 10<sup>th</sup> June 2020.

## **10. HUMAN RESOURCES IMPLICATIONS**

There are no direct HR implications contained within this report

## **11. WARD IMPLICATIONS**

All wards are affected.

## **12. BACKGROUND PAPERS**

- Cabinet report of 10<sup>th</sup> June 2020  
(<https://democracy.nelincs.gov.uk/meetings/cabinet-51/>)
- Five Year Housing Land Assessment 2021  
(<https://www.nelincs.gov.uk/planning-and-building-control/planning-policy/the-local-plan/local-plan-background-information/five-year-housing-land-supply-assessment/>)
- North East Lincolnshire Local Plan 2013 to 2032 (adopted 2018)  
(<https://www.nelincs.gov.uk/planning-and-building-control/planning-policy/the-local-plan/>)

## **13. CONTACT OFFICER(S)**

Sharon Wroot, Executive Director Environment, Economy and Resources

Mark Nearney, Assistant Director of Housing Highways, and Planning, Tel 01472 323105

Ian King, Spatial Planning Manager, ENGIE, Tel 01472 323370

**COUNCILLOR STEWART SWINBURN**

**PORTFOLIO HOLDER FOR ENVIRONMENT AND TRANSPORT**