

Title of report: Project Plan for the Local Plan update

Decision maker: Cabinet member infrastructure and transport

Director: Director for economy and place

Decision date: Tuesday, 23 March 2021

Report by: Strategic planning manager

Classification

Open

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

All (All Wards);

Purpose

To approve a project plan for the preparation of the update of the Herefordshire Local Plan.

Recommendation(s)

That:

- a) the project plan for the Local Plan update in Appendix 1 to this report be approved;**
- b) the project plan be maintained as a live document, with any significant change subject to the approval of the Cabinet Member; and**
- c) the Assistant Director for Regulation, Environment & Waste is given authority for commissioning the evidence base studies set out in the project plan in consultation with the Cabinet Member for Infrastructure and Transport.**

Alternative options

1. There is no regulatory requirement to produce a project plan. The plan making process is regulated by Local Planning regulations and advice and guidance is set out in both the National Planning Policy Framework and national planning policy guidance.
2. However, preparing a project plan enables the establishment of timelines, costs and resources required for each stage in the process thereby improving the chances of achieving milestones and enables a better understanding of likely risks. A recent peer review undertaken by the Planning Advisory Service has recommended a clear timetable is developed for the local plan update.

Key considerations

3. As part of the continuing process of updating the Herefordshire Local Plan Core Strategy the Cabinet Member report of 9th November 2020 resolved that a detailed project plan for the development of a new local plan, including resource requirements, taking into account the emerging proposals of the White Paper: Planning for the Future and other Government advice regarding local plan preparation, would be prepared for the approval of the Cabinet Member for Infrastructure and Transport.
4. The White Paper: 'Planning for the Future' was published in August 2020. It sets out a package of proposals for reform of the planning system in England, including plan-making, to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed.
5. The White Paper proposes to introduce greatly simplified Local Plans significantly different from both the existing Core Strategy and the comprehensively updated Core Strategy that had previously been envisaged. The simplified approach would focus upon identifying land under three categories:
 - i. **Growth areas;**
 - ii. **Renewal areas;** and
 - iii. **Protected areas.**
6. Local Plans would be short; setting out rules rather than general policies for development. Development management policies would generally be set nationally within a revised National Planning Policy Framework (NPPF). Local Plans would be focussed on identifying site and area-specific requirements, alongside design codes.
7. The White Paper proposes an emphasis on engagement at the plan-making stage with more emphasis on social media and electronic consultations and less paper. Local Plans would be subject to a single statutory "sustainable development" test. Assessments and requirements that the Government consider unnecessary and that cause delay would be abolished. Local Plans would be visual map-based and standardised, based on digital technology. Plans would be limited to no more than setting out site or area-specific parameters and opportunities.

8. Plans would be prepared in accordance to statutory timetables in order to reduce the average plan making process from 7 years to no more than 30 months, and there will be sanctions for those who fail to do so. The main stages of the process would be:
 - i. **Stage 1** [6 months]: The local planning authority “calls for” suggestions for areas under the three categories;
 - ii. **Stage 2** [12 months]: The local planning authority draws up its proposed Local Plan, and produces any necessary evidence to inform and justify the plan;
 - iii. **Stage 3** [6 weeks]: The local planning authority submits the Plan to the Secretary of State for Examination and publicises the plan for the public to comment on;
 - iv. **Stage 4** [9 months]: A planning inspector considers whether the three categories shown in the proposed Local Plan are “sustainable” and makes binding changes that are necessary to satisfy the test.
 - v. **Stage 5** [6 weeks]: Local Plan map, key and text are finalised, and come into force.
9. Equally at this stage the White Paper proposals are the subject of consultation and may be amended before they are enacted into legislation, so it may not be appropriate to progress significant work on a plan which is entirely in line with the White Paper. Recent comments from the Government’s Chief Planner have suggested that the time required to enact the legislation will take longer than first indicated and the Government have confirmed their desire for local planning authorities to continue with the preparation of local plans.
10. Work has commenced to develop the evidence base in a number of topic based areas, including the housing needs assessment and transport strategy review. These areas of work will also inform other strategies in addition to providing key elements of evidence to support the Core Strategy update in anticipation of following the plan making process set out in current regulations.
11. However, there are areas of work which will be required to be undertaken irrespective of whatever the changes to the planning system are introduced. The programme plan is set out in Appendix 1. This is based upon a template for plan making developed by the Planning Advisory Service (PAS) and it includes a Task Plan which breaks down the plan making process into specific plan making stages with a timeline for each stage. The plan includes details of evidence base studies likely to be required to support the development of the Local Plan. Where the evidence based studies are anticipated to be prepared through the appointment of consultants an estimated cost of the study is included in Appendix 1. It is proposed that the commissioning of these studies is undertaken in accordance with the Council’s contract procedure rules. Recommendation (c) above proposes authority to engage suitably qualified consultants be delegated to the Assistant Director for Regulation, Environment & Waste in consultation with the Cabinet Member for Infrastructure and Transport.
12. The plan making process will be added to the corporate project management system (Verto) to ensure effective delivery and will be supported by a project board and project manager.
13. The project plan also includes details of both the areas of work anticipated to be undertaken by existing staff of the Strategic Planning and Neighbourhood Development

Planning teams together with an indication of where additional staff resource will be required (engaged on a fixed terms contract basis).

14. Also included is an indication of whether each study will be required in some form to support a plan based upon the proposals of the White Paper. In order to ensure local plan progress continues over the period until the new system is enshrined in legislation it is proposed that work continues in respect of those studies which are likely to be required to support the local plan irrespective of the outcome of the review.
15. The County Plan for Herefordshire sets out the administration's political priorities and builds on the County's declaration of a Climate and Ecological Emergency for Herefordshire. The focus of the work of the Council and its partnerships is to encourage and strengthen its vibrant communities, create a thriving local economy and protect and enhance its natural and built environment a key priority is to enable the building of more affordable homes. Therefore, work should be undertaken early in the process to identify where there is a need to develop strong links and consistency between the County Plan and planning policy. An initial visioning workshop is therefore proposed with Cabinet to help the development of key objectives and help to focus on options for developing the spatial strategy of the local plan and aligning this with the place shaping ambitions of the Council.
16. On 2 February 2021 Herefordshire Council confirmed the decision to:
 - a. Stop the progress of the southern link road and western bypass schemes which are included in the adopted policy; and
 - b. Make amendments to the capital programme such that the Hereford Transport Package and South Wye Transport Package projects are removed from the programme.
17. Cabinet confirmed that its preferred transport strategy for Hereford comprises a number of packages of actions including active travel measures, investment in passenger transport, parking management and an eastern road link. These decisions will impact upon the future spatial strategy for the updated local plan and it will be important that there is alignment between the updated local plan and the new Local Transport Plan. This is likely to require co-ordination on key elements of evidence base and development which might include:
 - a. consideration of transport proposals which may have land use planning impacts (such as the eastern road link and mobility hubs);
 - b. assessing the scale of growth which the preferred transport strategy for Hereford might support over the longer term; and identifying if any strategy transport schemes would be required to support growth in other locations such as market towns.

Community impact

18. The principal aim of the Herefordshire Local Plan update will be to set out the spatial vision and objectives for the county and to establish a planning policy framework necessary to deliver the spatial vision. The plan will aim to ensure that there are sufficient homes provided for all members of the community, provide employment

opportunities, sufficient retail provision and improved infrastructure while, at the same time, providing protection for the wider environment and helping to tackle climate change

19. The County Plan 2020-2024 provides a commitment to updating the Core Strategy (Local Plan) in order to make sure sustainable development is delivered which meets the needs of local people while respecting the County's heritage and our natural environment.
20. The preparation of an updated plan will include engagement and consultation with the Community at key stages in the preparation of the document in accordance with the local plan regulations and the Council's adopted Statement of Community Involvement. This will enable the ambitions of local communities, as articulated in Neighbourhood Development Plans to be taken into account.

Environmental Impact

21. The preparation of the Local Plan will have due regard to the council's environmental policy commitments and will be the delivery vehicle for the planning policies to guide future development within the county. This will therefore have a direct impact on policy development in the following areas;
 - Increasing flood resilience and measures to reduce levels of phosphate pollution in the county's river
 - Seeking to reduce the council's carbon emissions
 - Work in partnership with others to reduce county carbon emissions
 - Seeking to ensure developments address the air quality within Herefordshire
 - Improve residents' access to green space in Herefordshire but the designation of Local Green Spaces and safeguarding existing
 - Seeking to improve energy efficiency of homes and build standards for new housing
 - Including policies which seek to increase the number of short distance trips being done by sustainable modes of travel – walking, cycling, public transport.
22. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment. The development of the Local Plan will seek to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance.
23. The Government White Paper has outlined how any Local Plan would need to be subject to a statutory 'sustainable development test'. This will ensure that the plan is meeting national objectives on a range of environmental issues. In addition, statutory undertakers and consultees, such as the Environment Agency, Natural England and Historic England will be consulted during the plan's production and their representations fully addressed.

Equality duty

24. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

25. There are no specific implications for the council's equality duty arising from the decision to prepare a project plan for the preparation of the Local Plan. However, the actual process of producing the new local plan will need to ensure that there will not be any negative or disproportionate impact to those who share a relevant protected characteristic and demonstrate that it will support the council in discharging its equality duty in particular by advancing equality of opportunity between persons who share a protected characteristic. The plan making process will be accompanied by an equality impact assessment at key stages.

26. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

27. The consultations conducted as part of plan preparation will be undertaken in a way that is accessible to all and a number of methods will be used to enable as diverse a group as possible to have the opportunity to engage fully with the process, including considering targeting of specific groups where appropriate.

Resource implications

28. Whatever new process for preparing the Local Plan is enacted by the Government it will require significant funding over the plan making period. The key areas which will require funding are:

- The preparation of the evidence base to support the preparation of the plan as listed
- Consultation and engagement.
- Examination in Public.

29. The project plan for the preparation of a new local plan taking into account the emerging proposals of the White Paper and other Government advice is set out in Appendix 1. This includes details of the estimated costs of developing the necessary evidence base documents, anticipated additional staffing requirements and other costs of the plan

making process including the Examination in Public (EIP). Funding to support this decision is included in the medium term financial strategy.

Revenue or Capital cost of project (indicate R or C)	2020/21	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000	£000
R (see breakdown of estimated costs in Appendix 1)	230	500	500	550	1780
TOTAL	230	500	500	550	1780

Funding streams (indicate whether base budget / external / grant / capital borrowing)	2019/20	2020/21	2021/22	Future Years	Total
	£000	£000	£000	£000	£000
Base budget (New initiatives)	230	500	500	550	1780
TOTAL	230	500	500	550	1780

Revenue budget implications	2019/20	2020/21	2021/22	Future Years	Total
	£000	£000	£000	£000	£000
	230	500	500	550	1780
TOTAL	230	500	500	550	1780

Legal implications

30. The Cabinet member infrastructure and transport has delegated authority from Cabinet in exercise of its functions under Part 3 Section 3 of the constitution for formulating or preparing the documents consisting of the budget and policy framework which includes the LDS pursuant to Part 2 of the Planning and Compulsory Purchase Act 2004 (as amended). The cabinet shall make recommendations to Council on their implementation. Subsequent adoption thereof is a Council function under Part 3 Section 1.
31. Section 15, Part 2 of the Planning and Compulsory Purchase Act 2004 (as amended) places a duty on a Local Planning Authority (LPA) to prepare and maintain a LDS which will specify documents (amongst other matters) once prepared, to be comprised in the Local Plan Core Strategy for the area.

32. Regulation 10A of the 2012 Regulations states that in respect of reviewing a local plan:
10A.—(1) A local planning authority must review a local development document within the following time periods—
(a) in respect of a local plan, the review must be completed every five years, starting from the date of adoption of the local plan, in accordance with section 23 of the Act (adoption of local development documents);
33. This is repeated in paragraph 33 of the National Planning Policy which indicates that local plans should be reviewed at least every five years in order to determine whether the plan policies and spatial development strategy is in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted in October 2015 and a review is required to be completed before October 15 2020.
34. The plan making process requires statutory public engagement and consultation in accordance with Part 6 of the 2012 Regulations as well as demonstrating that the LPA has met the duty to co-operate with neighbouring authorities and other specified organisations in accordance with Regulation 4.
35. As explained in paragraph 9 the White Paper proposals are the subject of ongoing consultation and may be amended before they are finally enacted into legislation. There is no timeline for when this will happen. Legislation to implement the changes to the local plan process has not yet been enacted, therefore local planning authorities are still required to follow the statutory regime until such time as it is changed.
36. There are no legal problems in doing what is proposed.

Risk management

37.

Risk / opportunity	Mitigation
The policies set out in the existing Core Strategy will increasingly become out-of-date. Preparing an updated plan will address this issue but during the plan making process there will be a period where there is reliance upon out-of-date policies, in combination with national policy advice in some areas.	Resources have been identified to expedite preparation of the plan and improve the robustness of the Council's approach. However, it should be recognised that only limited weight can be afforded to emerging policies at least until the later stages of plan preparation.
The Council cannot currently identify a 5 year supply of housing land. Updating the plan will address this issue but during the plan preparation period the Council may be more at risk of	The preparation of the local plan will enable the housing supply in the County to be improved to help demonstrate a 5-year supply is in place at the time of the adoption of an updated plan.

speculative development contrary to the current spatial strategy coming forward.

It is likely that new legislation/regulation will emerge from Government as the plan making process progresses. This may introduce new requirements, make work already undertaken redundant or require emerging policies and proposals to be revisited or amended. Such changes to national level policy and procedures have the potential to impact upon the Local Plan timetable and required resources.

The preparation of a project plan, supported by a project board and project manager, will enable the risk to be identified at an early stage and mitigation put in place thereby improving the chances of achieving milestones.

Consultees

38. The process of preparing the updated Local Plan will involve a significant level of engagement and consultation with the public, key organisations and other stakeholders, including town and parish council's. The plan will be independently examined to determine its compliance with legal and procedural requirements, such as engagement and consultation as well as soundness. The approach to consultation will as a minimum, be in accordance with the Council's adopted Statement of Community Involvement.
39. The Political Groups consultation pro-forma has been distributed to all members. Only Cllr Hewitt has responded emphasising the need to assemble an appropriate evidence base and requesting that the process enables an appropriate level of member involvement. In response, the project plan includes a considerable emphasis on preparing a wide range of evidence base documents and includes initial suggestions for all members to be involved in the process and this can be developed in more detail in consultation with the Cabinet Member.

Appendices

Appendix 1: Draft project plan.

Background papers

None