

REPORT TO	ON
CABINET	25th January 2018

September 2017



TITLE	PORTFOLIO	REPORT OF
Central Lancashire Local Plan Review Resourcing and Programme Proposals	Strategic Planning and Housing	Jonathan Noad

Is this report a KEY DECISION (i.e. more than £100,000 or impacting on more than 2 Borough wards?)	Yes
Is this report on the Statutory Cabinet Forward Plan ?	Yes
Is the request outside the policy and budgetary framework and therefore subject to confirmation at full Council?	No
Is this report confidential?	No

1. PURPOSE OF THE REPORT

- 1.1 To provide an outline of the resource implications for undertaking a review of the Central Lancashire Local Development Plan (currently known as the 'Core Strategy' of the Local Development Framework).

2. PORTFOLIO RECOMMENDATIONS

- 2.1 To commit to work in collaboration as Central Lancashire (Preston, Chorley and South Ribble) to develop and submit for approval to Secretary of State, a single Central Lancashire Local Development Plan (or Local Plan).
- 2.2 To share the costs for the staffing and non-staffing costs as set out below.
- 2.3 To set up a South Ribble Local Plan Officer and Member Working Party to oversee the work of the Central Lancashire and South Ribble Local Plan Review
- 2.4 To approve the Draft Local Development Scheme at Appendix A

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe	X	Strong and healthy communities	X
Strong South Ribble in the heart of prosperous Lancashire	X	Efficient, effective and exceptional council	X

4. BACKGROUND TO THE REPORT

- 4.1 In July 2012, the Central Lancashire authorities of Preston, Chorley and South Ribble Council adopted the Core Strategy, the key document in the statutory Local Plan which sets

out the strategic planning policies for Central Lancashire and is supported by the individual local plans produced by each respective council in 2015.

- 4.2 It is the Local Plan which sets out the strategic objectives or policies for development with the area and includes the policies on housing including the number of new homes to be delivered in each borough over the plan period.
- 4.3 Following the adoption of the Core Strategy, there have been some significant changes in the national and sub-regional policy landscape with the National Planning Policy Framework (NPPF) published in 2012. There are further changes planned as set out in the recent government consultation 'Planning for the Right Homes in The Right Places' including a nationally imposed, standard methodology for determining housing need.
- 4.4 Therefore it is imperative that the review of the Central Lancashire Local Plan is progressed quickly in order for the three councils to ensure there is a sound policy framework in place which includes a call for sites, SHLAA (Strategic Housing Land Availability Assessment) and development of site allocations policies to ensure that future development is sustainable, meets local needs and aspirations for economic development, regeneration, social and environmental objectives.
- 4.5 As part of the Local Plan Review, the three councils will undertake a review of existing policies and may elect to retain, refresh or set aside policies, depending on current and future strategy and the key findings from the evidence base. Policy areas that may be considered as part of the Local Plan review include transport, affordable housing, public open space and infrastructure.
- 4.6 The Council must prepare all Local Plan documents that form part of the development plan in accordance with the LDS. The previous approach undertaken by the three councils was to develop firstly, a shared Core Strategy and then each undertook a separate exercise to develop an individual Local Plan with site allocations and development management plan document. Whilst providing advantages, this process requires a second, similar process to that of the core strategy and therefore duplicates costs such as staffing, the Examination in Public and Counsel representation.

5. PROPOSALS

The Local Plan Review Process

- 5.1 Below is a high level overview of the timetable and although every effort will be made to accelerate the programme in order to secure the adoption of a new Local Plan as soon as is practicably feasible, this timetable is subject to change and will depend largely on a) the delivery of key pieces of evidence and b) the scale and content of the consultation response.

Local Plan Review Proposed Timetable

Key Stages	Date
Local Plan staffing resources in place	March 2018
Local Development Scheme(programme) agreed by JAC	March 2018
Initial Engagement and Commence the Call for sites	April 2018
Engage with Statutory Consultees	April 2018
Evidence gathering and policy updating	(already commenced) to September 2018

Undertake a process of policy review and develop a programme for updates/refresh/omissions	June 2018
Draft Plan ready for approval for JAC & Councils	January 2019
Publication of Draft Plan for Representations	March 2019
Date of Submission to Secretary of State	May 2019
Appoint Counsel	July 2019
Public Hearing	November 2019
Inspectors Final Report Issued	January 2020
Adoption	March 2020

Staffing Resources

- 5.2 In order to deliver the review of the Local Plan, there is a need to secure additional resources over and above the established staffing complement in each councils Planning Policy team as set out in the table below. These posts would be recruited for a fixed period of two years aside from the Programme Officer who would only be required for the duration of the public examination, expected to be nine months.

Post	FTE salary incl. all On-costs
Central Lancs Local Plan Coordinator	£48,700
Central Lancs Planning Officer (Local Plan)	£42,200
Central Lancs Planning Officer (Local Plan)	£42,200
Central Lancs Local Plan Technical Assistant	£31,200
Programme Officer for Central Lancs Local Plan	£31,200

- 5.3 The day to day work of planning policy officers (a which includes providing policy assessments of new planning applications, undertaking statutory and local plan monitoring work including publishing reports and also commissioning and being client lead for evidence work, means that the staff cannot simply 'absorb' the work to deliver a review of the local plan. There have been significant reductions in the size of the three policy teams since the LDF was undertaken in 2008 and therefore it is simply not feasible for the teams to deliver the review without additional resource.
- 5.4 The existing teams within each of the three councils comprises of on average 2 FTE officers plus a manager with other responsibilities and therefore in order to deliver a refreshed Local Plan, and to deliver this within the shortest timeframe possible, there is a need to pump prime the resources.
- 5.5 The staffing proposed comprise of:
- One full time Local Plan Coordinator who will lead the programme, coordinate the consultation exercises, lead on drafting policies and reports and manage the process of the submission and public examination. The Coordinator will report to the Planning Managers as well as the JAC and the respective Portfolio Members and will be responsible for producing reports, securing decisions and the submission to the Planning Inspectorate.
 - Two full time Planning Policy Officers who will undertake the consultation exercises, manage and ensure all consultees are responded to, draft the required policies (which could vary across the three council areas depending on the individual strategic aims) and undertake the impact assessments.
 - A full time technical officer to provide support to the team and manage the high volume of consultation responses ensuring that full and auditable records are kept and prepared for the inspection. The Technical Officer will develop the consultation programme including coordinating the meetings with the statutory consultees.

- A programme officer which is a requirement for the examination. These officers are specially trained officers, appointed specifically and only to support the inspector during the inquiry.

5.6 It is proposed that Chorley Council will be responsible for the overall recruitment and line management of the fixed term posts, however there is an expectation that all three respective Planning Managers will regularly engage with the Local Plan officers, provide support and any required training, access to each respective councils systems and also ensure there is accommodation to facilitate a system of 'hot-desking'.

Other Costs to Deliver the Local Plan Review

5.7 Staffing costs will not be the only costs incurred as a result of the local plan review and work is underway to calculate these costs and provide an estimate to each council. As this is a review of the Local Plan and we are not essentially starting from scratch, the costs will be lower than those incurred during the LDF process.

5.8 These costs will include items such as:

- The Commission of the Recreation, Play and Open Space Strategy
- The Examination in Public (Planning Inspectorate)
- Counsel
- Strategic Housing Land Area Assessment (SHLAA)
- Strategic Flood Risk Assessment
- Retail study

5.9 Statutory planning policy is framed by legal requirements and therefore legal support is necessary to manage risks related to these requirements. Planning policy can only be adopted following public examination by a Planning Inspector, and the Council bears costs for venue and examination staff (including the Inspector and a Programme Office to provide administrative support).

5.10 Public examination places a high evidential burden on statutory planning policies as the opportunity to be challenged by other stake-holders means that policies must be robustly justified. This means that technical specialists need to be commissioned to produce the pieces of evidence and the expertise does not exist locally.

5.11 Given the statutory nature of Local Plans, it is also necessary that the three councils engage expert legal advice at key stages during preparation. These resources will incur costs for which a budget would be needed, although the work will have a wider value supporting the three council's development management and regeneration functions.

5.12 The process of securing formal sign-off of the Local Plan involves a public examination, with a Planning Inspector undertaking a formal process to review all aspects of the draft Local Plan and to determine if it is 'sound'. This process requires significant support and is costly. It is for this reason, the three Councils are looking to progress with a single examination in public as opposed to two examinations which was the approach undertaken in the Local Development Framework (LDF) process in 2012.

5.13 To oversee the review process and manage the work programme that will develop from it, it is proposed to set up a Local Plan Steering Group comprising of the Local Plan officers, the respective Planning Managers and Senior Managers from each of the three councils. The Steering Group will report regularly to the established JAC with progress and detailed updates as they emerge.

Total Local Plan Review Costs

5.14 The table below provides a summary of the estimated costs, **PER COUNCIL** (i.e. applicable costs already split three ways) for both the staffing and the other associated non-staffing costs.

5.15 The non-staffing costs include a high level estimation of the following items:

- Retail and Household
- Transport Study (This is for Chorley only and not included in the costings below)
- SHLAA
- Greenbelt review (This is for Chorley only and not included in the costings below)
- Employment Land Review
- Gypsies and Travellers Area Assessment (This is included but may not be necessary)
- Flood Stage Level 1
- Flood Stage Level 2
- Administration
- Examination in Public (Planning Inspectorate Costs)
- Counsel for Examination in Public

5.16 The total costs per Council, per financial year are as follows:

	2017/18 £	2018/19 £	2019/20 £	TOTAL £
Staffing	4,564	54,766	58,003	117,333
Commissioned Work	0	80,000	35,000	115,000
TOTAL COST PER COUNCIL	4,564	134,766	93,003	232,333

5.17 The review is an opportunity to align both parts of the development plan, which currently consists of the overarching strategic policies of the Core strategy and the site specific allocation and development management policies of the each authority's Site Allocations Plans. While the additional staff resources identified in this report can focus on the review of strategic policies the planning policy teams in each authority, applying local knowledge, can focus on those specific policies that will ensure delivery of the strategy in three strands covering each of the three planning authorities. For example, while the overarching strategic part of the plan would indicate the amount of new housing to be provided as a plan requirement across Central Lancashire, the site specific policies in each strand of the plan could be developed to provide certainty to examining inspectors and others that sufficient land is available across Central Lancashire, taken as a whole, to enable the strategy to be delivered. It is important to note that the production of a new Local Plan for Central Lancashire is above and beyond the normal day to day work of the small planning policy team. Whilst there will be additional posts to bring forward the strategic plan for Central Lancashire the local teams will still be needed to continue monitoring work and local detailed policy development. The monitoring work in South Ribble and Preston is resource intensive given involvement in City Deal so that should not be underestimated.

5.18 While the current plans were effectively produced in tandem with the Core Strategy preceding the Site Allocations Plans the approach suggested here would enable preparation of both parts of the development plan in parallel, speeding up the review and potentially ensuring savings by making it easier to have one examination for both parts of the plan.

5.19 Members should bear in mind that what is being proposed is a review of the existing development plan, produced in accordance with the requirements of the current legislation

and consistent with the NPPF, rather than an entirely new plan. An early exercise that can be carried out by existing staff and timetabled in January is a scoping exercise of current plan policies. It is anticipated that this will identify:

- Policies that need to be removed or amended because they have been superseded by changes in Government Policy;
- New policies that need to be introduced because of changes in Government Policy;
- Policies that require minor changes such as rewording to make them clearer following experience of implementation through Development Management;
- Policies that do not require changes and can continue as they are.

- 5.20 This can be carried out for both the Core Strategy policies and the Site Allocations policies where there is a considerable degree of overlap between the three authorities.

Planning Delivery Fund

- 5.21 On 4th December 2017 Central Government announced the Planning Delivery Fund. Three pots of funding are available through the fund: joint working; design; and innovation. The joint working fund is firmly pitched at authorities who work well together and who wish to continue working together for example through a Joint Local Plan. The fund offers up to £250,000 towards such joint work.
- 5.22 Officers have submitted a bid into the Planning Delivery Fund which if successful could potentially bring in £250,000 and therefore could offer a saving of around £83,333 per authority

Conclusion

- 5.23 The production of a development plan for South Ribble and Central Lancashire area is crucial to shaping the future of the Borough and wider area. It will shape the growth agenda and provide a platform for much of the emerging Corporate Plan for 2018/19 onwards.
- 5.24 The production of a new Local Plan is no small task and involves a detailed process of evidence gathering, plan writing, consultation and ultimate public examination. Such a process needs to be resourced and there are significant cost savings in preparing a joint plan than preparing three separate plans.

6. CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

- 6.1 The Local Plan process has set stages and must adhere to the adopted Statement of Community Involvement. The consultation on a Local Plan is significant.
- 6.2 The individual authorities work together through the Joint Advisory Committee, a Directors and Officers group who consult with each other on the progression of a Local Plan for Central Lancashire.

7. OTHER OPTIONS CONSIDERED

- 7.1 Do nothing. Should the councils decide not to progress the review of the Local Development Plan, the policies will become out of date and this means that the weight to be attached to policies in the Plan would be significantly reduced and that policies within the NPPF including 'the presumption in favour of sustainable development' would take precedence. It would be more difficult to defend applications which are not in accordance with policy such as safeguarded land or greenbelt.

- 7.2 The Councils could elect to pursue individual Local Plans however these would cost more and may take longer if there are not the sufficient staff in place.

8. FINANCIAL IMPLICATIONS

- 8.1 The current budget position provides for a Local Plan Reserve fund of £80,000. In addition there is a recurring Local Plan evidence base budget line in revenue of £50,000. This funding will be essential to progress the South Ribble Local Plan, however some of the recurring evidence base line could contribute towards the Central Lancashire work. There will therefore be a requirement to contribute around £100,000 for the next two financial years towards the Central Lancashire Local Plan work. Other funding available is New Burdens grant received to date in relation to costs associated with the registration of Brownfield sites (£14k).
- 8.2 Alongside the Central Lancashire Local Plan review we must also work on reviewing the South Ribble Local Plan. This review will be fairly limited and staff time will be from in house staff. There may be some future additional ask for evidence base but this will not be known until the review is scoped.
- 8.3 Clearly, if the DCLG Planning Delivery Fund bid is successful then this would provide a saving to the cost of the Central Lancashire Local Plan work which could then be used for the South Ribble Local Plan. This saving would be in the region of £83,333 per Council. It is felt that this would be a strong bid.
- 8.4 Regulations to introduce a 20% increase in national planning application fees (to fund additional capacity in the planning service) were laid on 19 October, and will be implemented from 17th January 2018. Based on current Planning fee forecasts, this would generate c£80,000 additional Planning fee income per annum from 2018/19. These are planning fees set nationally and are separate from our own locally set pre application advice fees.

9. HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT IMPLICATIONS

- 9.1 The Human Resources implications are outlined above. Chorley Council have volunteered to host the Central Lancashire Local Plan posts.

10. ICT/TECHNOLOGY IMPLICATIONS

- 10.1 None

11. PROPERTY AND ASSET MANAGEMENT IMPLICATIONS

- 11.1 None

12. RISK MANAGEMENT

Political Risk

- 12.1 There is a risk that there may be political differences either between the authorities or within a single authority. Such risks may slow down or hinder the aspiration for a quick plan review. It is felt that such risk is mitigated as far as possible by the Governance structures in place via the Central Lancashire Joint Advisory Committee, having an agreed Memorandum of Understanding in place and working through officer and member groups in each individual authority. Extensive consultation and involvement from stakeholders and residents would also minimise the political risk.

Legal Risk

- 12.2 As with all planning matters there is a risk that a party may consider mounting a legal challenge. The Local Plan review will be well resourced and managed through the Governance structures in place. There will be ongoing input from each authority's legal departments to ensure the process is robust. Equally the authorities will retain the advice of leading Counsel to ensure the process is robust. It is therefore felt that the legal risks are minimised as far as possible.

Staffing Risks

- 12.3 Staffing risks relate to the ability to fill the posts to undertake the work and the potential for those members of staff to leave during the course of the work. The key roles have been well graded and are considered to be attractive to the jobs market there are also potential staff in the authorities who may see the roles as a secondment opportunity. There is always the risk that key staff could leave during the process. The authorities would ensure that such an impact is minimised by either key officers stepping into such vacancies at least on an interim basis or sourcing consultancy support in such situations to fill the gap.

13. EQUALITY AND DIVERSITY IMPACT

- 13.1 The Affordable Housing Commuted Sums Policy has previously been subject to an equality impact assessment. It was found to have a positive impact on the protected group of disability and a neutral impact on other protected groups.

14. RELEVANT DIRECTORS RECOMMENDATIONS

- 14.1 To commit to work in collaboration as Central Lancashire (Preston, Chorley and South Ribble) to develop and submit for approval to Secretary of State, a single Central Lancashire Local Development Plan (or Local Plan).
- 14.2 To share the costs for the staffing and non-staffing costs as set out below.
- 14.3 To set up a South Ribble Local Plan Officer and Member Working Party to oversee the work of the Central Lancashire and South Ribble Local Plan Review
- 14.4 To approve the Draft Local Development Scheme at Appendix A

15. COMMENTS OF THE STATUTORY FINANCE OFFICER

- 15.1 The Council's share of the additional costs for the Central Lancashire Local Plan Review are estimated to be c£230,000. Funding of £94,000 towards this cost has been identified within current planning revenue budgets and reserves.
- 15.2 Of the £136,000 still to be funded options could include:
- A successful Planning Delivery Fund bid would result in a reduction of £83,333.
 - A 20% increase in Planning Fee income would generate additional income of c£80,000 per annum which could be top sliced to fund any shortfall
 - An element of the recurring Local Plan consultancy fees budget could be contributed to the Central Lancashire work depending on other Local Plan needs
- 15.3 When these options have been explored, if there is still a shortfall in funding then this would need to be met from general balances.

16. COMMENTS OF THE MONITORING OFFICER

- 16.1 It is clearly imperative that we update our Local Plan policies in a timely fashion. On a practical level it is simply not an option to do nothing. If policies become out of date then the

weight that can be attached to them is correspondingly reduced. If we want to protect our borough from unwelcome development whilst at the same time encouraging the right type of development in the right places then we must have an up to date Local Plan..

17. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix A – Local Development Scheme

Report Author:	Telephone:	Date:
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