

	<p>REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON 4 JULY 2019 AND CABINET TO BE HELD ON 16 JULY 2019</p>
	<p>Key Decision NO</p> <p>Forward Plan Ref No T2</p>
<p>Corporate Aims People/Place/Prosperity/Council</p>	<p>Cabinet Portfolio Cllr Liz Colling Holder</p>

REPORT OF: (RB) 19/119

WARDS AFFECTED: ALL WARDS

SUBJECT: REVIEW OF THE LOCAL PLAN AND THE LOCAL DEVELOPMENT SCHEME (TIMETABLE FOR THE REVIEW OF THE LOCAL PLAN)

RECOMMENDATION (S):

That Members:

- i) Agree to the review of the Local Plan and the updated Local Development Scheme covering the period 2019-2023;
- ii) Agree to the creation of a Planning Policy Members Working Group; to be chaired by the relevant portfolio holder, with membership to include the chair and vice chair of Planning and Development Committee and up to 5 other members of the committee broadly representative of the political and geographical landscape of the Borough;
- iii) Note the financial implications of the Local Plan review and Examination in Public and that a one off budget of up to £116k is available to fund these costs.

REASON FOR RECOMMENDATION (S):

Government guidance requires that Local Plans must be kept up to date and determine if a review is required at least every five years; making plans for such reviews where appropriate. There have been a number of changes in the planning system and national guidance since the adoption of the Scarborough Borough Local Plan that means the need for a review is inevitable. It is therefore proposed to start the process of reviewing the Local Plan by identifying the main issues and options and tailoring any review to only those matters that require attention.

Under the provisions of the Planning and Compulsory Purchase Act (2004) (as amended) local planning authorities are required to set out in a project plan the timetable for the production of various development plan documents for their area. Local planning authorities are encouraged to include details of other documents which form (or will form) part of the development plan for the area, such as neighbourhood plans. The Local Development Scheme is the conduit for this, forming the timetable for the review of the Council's Local Plan and other land-use planning related documents.

The Local Plan Member's Working Group was a useful tool during the production of the current Local Plan. The Working Group, which comprised a small number of Members from the different parties and geographic locations across the Borough, gave Members the opportunity to work with officers in a non-binding manner to consider policies and allocations before they were finalised and recommendations made to the various committees and Cabinet. It would be beneficial for officers and Members to work on the review of the Plan in a similar collaborative and co-ordinated manner.

HIGHLIGHTED RISKS:

The Local Development Scheme (LDS) informs interested parties of the approach the Council is taking towards the production (or review) of the Local Plan and associated development plan documents, in particular highlighting key consultation stages. Failure to keep the LDS up-to-date could result in less effective consultation responses. In addition, one of the 'tests of soundness' applied to development plan documents requires that preparation of the document is in accordance with the overall direction of the LDS.

It also sets out the timescale for the various stages of Plan production; enabling a longer term view of the budgetary requirements for both the less financially demanding consultation events through to the Examination in Public and evidence preparation, for which finance will have to be allocated. Failure to plan for such events could mean the Council is unable to submit the revised Plan for examination, thereby resulting in an out of date Local Plan and the potential threat of Government intervention. It is therefore prudent to take the opportunity to reflect on emerging practice and re-adjust the timetable for preparing development plan documents and set out the main events involved in the process.

For information, the Government announced in November 2017 it would consider the intervention in 15 local authorities who had failed to produce a local plan. Subsequently, it has continued the process for three authorities (March 2018) and

more recently confirmed that Wirral Council and Thanet District Council will face government intervention.

1. INTRODUCTION

1.1 Members will be aware of the Scarborough Borough Local Plan. It is the main planning document of the Borough Council that sets out where development is planned over a 15 year period from adoption and sets out the policies and strategies that will be used when determining planning proposals.

1.2 The Local Plan must be kept up to date. This requirement is embedded within legislation (Regulation 10A of the Town and Country Planning [Local Planning] [England] Regulations 2012 [as amended]) and also within the National Planning Policy Framework (NPPF) 2019, which states at Para 33 that:

'Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.'

1.3 Whilst the Local Plan was adopted in July 2017 the actual document was submitted to the Secretary of State for examination back in May 2016. In the three years since its submission there have been some significant changes in national planning policy, guidance and legislation. It is the opinion of officers that a review of the plan is warranted and this is justified in the assessment of this report. To demonstrate this, the report will look into what has changed, what evidence will be required to support a review and the proposed timetable to bring forward the Local Plan review.

1.4 The Local Plan remains front and central to delivering sustainable growth in the Borough. It has enabled the increased speed of delivery of housing (including affordable housing), encouraged investment into the business parks across the Borough and been critical in delivering infrastructure improvements; most recently being the critical supporting factor in achieving a circa £3.6m investment in highways improvements in Scarborough from the Local Enterprise Partnership.

2. CORPORATE AIMS

2.1 Ensuring the Local Plan is reviewed and up to date will align with the Council's aims and ambitions as highlighted in the Corporate Plan:

- **People** - to have a safe, happy, healthy population with people who feel valued and included
- **Place** - to protect and improve our environment, now and for the future
- **Prosperity** - to develop a prosperous and innovative borough, with a highly skilled and aspirational workforce

3. BACKGROUND AND ISSUES

3.1 The issues for Members' consideration and attention are:

- Programme for reviewing the Local Plan 2011-32 and the proposed indicative timings of consultation events;
- The evidence required to adequately review the Local Plan;
- Timing of any other development plan documents;
- The financial implications of the Local Plan review.

4. CONSULTATION

4.1 There is no requirement for consultation on the Local Development Scheme. The document itself sets out the likely consultation timescales for reviewing the Local Plan and the production of any other development plan documents.

5. ASSESSMENT

5.1 This part of the report will set out why a review is considered necessary and set out the process and timetable for the review.

What has changed?

5.2 Whilst the Local Plan was adopted in July 2017, the actual document was submitted to the Secretary of State for examination back in May 2016. In the three years since its submission there have been some significant changes in relation to national planning policy and local matters. These include, but are not limited to:

- The National Planning Policy Framework has been updated twice; first in July 2018 and a further minor update in February 2019;
- Planning Practice Guidance has been updated on numerous occasions;
- A Standard Method for calculating minimum housing numbers has been introduced;
- The definition of 'deliverable housing' which impacts on the demonstration of a five year land supply;
- Some of the allocated housing sites within the Local Plan have progressed as expected and some haven't;
- The Borough Council has declared a 'climate emergency'.

5.3 The implications of these updates are significant and in the opinion of officers confirm that a partial review of the Local Plan is both justified and required. Matters that will require consideration within the review will likely include, but are not limited to:

- Housing Numbers – the Government has published new methods for Local Authorities to calculate housing need;
- Housing Allocations – a review of existing and potential allocation of further sites including the now mandatory proportion of small sites;
- Environmental and Sustainability matters especially in light of the Borough Council recently declaring a ‘climate emergency’; and
- Town Centres and adapting to significant changes in how people shop and use these areas.

5.4 Other changes will be required as a result of:

- Feedback from Development Management officers who have been using the Local Plan on a day to day basis since its adoption; and
- The information included in the Authority Monitoring Reports that assess the relative success or failure of Local Plan policy.

5.5 Further amendments, many of which will be minor in nature, will also be required that clear up ambiguity, tighten up policy wording or simply correct spelling or grammatical errors.

5.6 The above is by no means an exhaustive list of matters that have, in the opinion of officers, necessitated a review of the Local Plan or a fully comprehensive list of what will need to be considered. Members will have their own views on matters that may need to be addressed, and these can be articulated and established in the early stages of the process.

What evidence is required?

5.7 Well researched and up-to-date evidence is critical when preparing or reviewing a Local Plan. It is necessary to meet the tests of soundness as set out in Para 31 of the NPPF and evidence is required to ensure any policies are justified and based on a proportionate evidence base. Such information often only remains valid for a relatively short period of time before it is classed as being out of date and would be subject to criticism from interested parties and potentially the Secretary of State. The level of evidence required is extensive; however, much of it has and will continue to be prepared in-house.

5.8 It is estimated that the evidence prepared internally for the previous Local Plan had an equivalent value in excess of £250,000. It is proposed that the majority of work will again be prepared by the Council’s Planning Policy section. Previously the work carried out internally included Sustainability Appraisal, Habitats Regulation Assessment, Employment Land Review, Objective Assessment of Housing Need, Playing Pitch Strategy, Green Space Audit and Infrastructure Study updates. Notwithstanding this there will remain

a need to commission external work on several technical areas over the period of plan production and these include:

- Strategic Housing Market Assessment (jointly with the Housing Section) – this evidence looks at the affordability of housing and other types of housing need (e.g. elderly provision, students, specialist needs) but may be extended to look at a wider scope of matters such as housing space standards or self-build housing;
- Retail and Town Centre Study – the current retail study is over 10 years old (although it was updated partially in 2012) and much has changed in the retail sector in recent years. In the opinion of officers it is important that the Local Plan addresses the future of town centres and such a study is considered imperative to do this successfully; and
- Strategic Flood Risk Assessment – again this study is a number of years old and is a critical piece of evidence both for plan production and the determination of planning applications. This has previously been produced jointly amongst other neighbouring Local Planning Authorities and they will be approached again to determine if there is a similar need to update and determine if there are any economies of scale in terms of the cost of producing an updated report.

5.9 These are considered the main pieces of evidence that will require outside expertise but this is by no means an exhaustive list and is dependent on any challenges to the emerging plan and any further changes to Government planning policy and guidance.

What is the Proposed Timetable; the Local Development Scheme (LDS)?

5.10 The Council must set out the timetable for producing and/or reviewing its plans. On the basis that agreement is reached that a review is necessary, the following section will set out the indicative dates for the review milestones including consultation events and the Examination in Public. These are not fixed and events may overtake production; meaning that the final adoption could be brought forward or delayed. However, the LDS is a flexible document that can and likely will be updated as and when it is required to amend dates and enable interested parties to view the most up to date timetable.

5.11 The following is a precis of the current review timetable proposed:

- Quarter 1 2020 - Publication of the “Issues and Options Consultation” (6 weeks with exhibitions or drop-in sessions held at various points across the Borough);
- 2020 – Preparation of “Draft Local Plan” and evidence preparation including commissioning Strategic Housing Market Assessment, Retail Study and Strategic Flood Risk Assessment;

- Quarter 1 2021 – Publication of the “Draft Local Plan” (6 weeks consultation with exhibitions or drop-in sessions held at various points across the Borough);
 - Quarter 1 2022 – Publication of the “Pre-Submission Local Plan” (fixed 6 week notification period. Very limited number of drop-in sessions – Filey, Whitby and Scarborough);
 - Mid 2022 – Appointment of a Programme Officer;
 - Quarter 4 2022 – Submission of the “Local Plan” to the Secretary of State and appointment of a Planning Inspector;
 - Quarter 1 2023 – Examination in Public of Local Plan;
 - Quarter 3 2023 – Adoption of revised Local Plan.
- 5.12 In addition to the timetable for the review of the Local Plan the LDS can also set out the timetable for other Plan related documents. In respect of Scarborough Borough this could include the Whitby Business Park Area Action Plan (AAP), Supplementary Planning Documents (SPD), the Authority Monitoring Report and any Neighbourhood Plans.
- 5.13 Whitby Business Park AAP was adopted in late 2014 jointly by Scarborough Borough Council and North York Moors National Park Authority. This is approaching five years old and it will have to be determined if a review of the document is required. Early discussions have taken place with NYMNP officers and it would seem that the current Area Action Plan remains suitable and fit for purpose. The allocation of land is considered to be sufficient and there is no evidence to suggest a greater level of employment land needs to be allocated at the current time. A report will be prepared in due course (September / October) later this year for consideration by both the Borough Council and the National Park Authority recommending the best course of action.
- 5.14 The Authority Monitoring Report will continue to be published each year and no later than December. SPDs will be produced and updated as and when appropriate. For information a Design SPD is currently in production.
- 5.15 Finally, no set timetable has been proposed for Neighbourhood Plan production. These plans are prepared by the local Town or Parish Councils and have to be in conformity with the Local Plan. There has been limited interest locally with areas designated at Eastfield, Filey and Cayton. Of these three locations only Cayton has shown recent interest in taking the plan forward. This plan is at a very early stage and a timetable has not been set by the Parish Council. Should timetables be set for any Neighbourhood Plan then they can be added into any future review of the LDS.
- 5.16 A copy of the LDS is appended to this report (Appendix 1).

Member Involvement

- 5.17 It is important to involve members in this process from day one. A Local Plan Member’s Working Group (MWG) was set up to shape and inform the current plan, meeting as and when required to discuss progress and current thinking

on policies, strategies and allocations. This group was made up of cross-party members from a geographic spread across the Borough, and was chaired by the Portfolio Holder responsible for planning. Regular briefings at key stages for all members also took place. This ultimately resulted in a Plan in which Members collectively bought into, had ownership of and unanimously supported at both the submission and adoption stages.

- 5.18 Due to the success of the Local Plan MWG it is proposed that a group of this nature be re-formed; it is suggested with a wider remit (to include supplementary planning documents and related matters, and named 'Planning Policy Working Group'. Subject to this being agreed, officers will work with the various political parties in the Council to again ensure a cross-party group that represents, as best as possible, all parts of the Borough; the areas of Whitby and the north, Scarborough, Filey and the south and rural areas. Previously the Working Group has been chaired by the relevant portfolio holder, with membership including the Chair and Vice chair of P&D, and up to 5 other members of Planning and Development Committee.
- 5.19 A copy of the updated Terms of Reference for this group is appended to this report (Appendix 2).
- 5.20 In addition to the Planning Policy MWG there will continue to be opportunities for wider member involvement. This has included representation at Planning and Development Committee, both in terms of the consideration of formal reports on the Local Plan but also presentations at the Pre-P&D morning meeting to update members on progress and discuss certain matters as and when necessary. Furthermore, the Local Plan has also been a recurring item on the member training sessions (and organised Local Plan presentations) to which all members are invited to attend.

Financial Implications

- 5.21 Since the adoption of the Local Plan the Forward Planning Team has been reduced in terms of staffing numbers from five full-time members to three. Additional resource from across the service will need to be seconded into the process at key stages, and to address specific aspects of detail. The preparation of evidence will wherever possible be kept internal but with the more limited staffing resources and the need to address matters requiring specialist input, it is inevitable that the more technical evidence will require external involvement as set out in para 5.8. Post the adoption of the current local plan, officers of the Council have provided paid for services for authorities across the sub-region, and there may be scope to boost our own capacity through reciprocal arrangements.
- 5.22 In addition to evidence preparation there are other costs associated with the Local Plan review and publication, including:
- Cost of the Examination in Public – when a Plan is submitted to the Secretary of State an independent Planning Inspector is appointed to examine the Plan. The Council must bear the cost of the Inspector,

including their time for preparation, attending the Examination in Public, site visits and post Examination consideration and report writing along with all associated expenses with travel, lodgings and subsistence. Other costs can include room hire if a Town Hall venue is either unavailable or considered inappropriate (the Inspector has the final say on the suitability of the venue). The previous cost of the Examination in 2017 which sat for around 2 weeks cost in the region of £60,000. It must be stressed that the duration of the examination is very much at the discretion of the appointed Inspector, and will be heavily influenced by the nature and degree of third party engagement.

- Programme Officer – the Local Planning Authority must appoint an independent officer who manages the Examination process of the Local Plan and acts as the contact between the Inspector and the Local Planning Authority. The person is normally appointed around the same time as the submission of the Local Plan to the Secretary of State and remains employed at least until the issuing of the Inspector’s Report. It is not a full-time position but it is imperative that a suitably qualified and/or experienced person is found. The cost of employing a Programme Officer for the previous Local Plan EiP was around £8,000 (this person was seconded from a different Department in the Council);
- Potential administrative support before and during the Examination in Public – with the loss of two members of staff since the previous Examination in Public (Senior Planner and an Assistant Planner/Technician) there will likely be a requirement to make a temporary administration officer available for a set period. Whilst this resource may be able to be found from within the wider Planning Services and will not be full-time, it has the potential to impact on planning resources and other planning work for a short defined period.

6. IMPLICATIONS

(a) Policy

- 6.1 The issues in this report provide a mechanism for updating the Borough Council’s planning policies, strategies and development allocations.

(b) Financial

- 6.2 Forward Planning has a one off budget in place of £116k to fund the production of and consultation on the Local Plan. The estimated costs outlined above are £68k plus any consultancy costs that will be incurred collating external evidence and internal resources. Actual costs will be very dependent upon the amount of time the planning inspector will spend on the plan and also the amount of external evidence that the council is required to

collate. At this stage it is hoped that the one off funding will be sufficient however this will continue to be monitored.

(c) Legal

- 6.3 The Town & Country Planning Act and the National Planning Policy Framework places a duty on local planning authorities to produce and adopt a Local Plan and to keep it under review.

(d) Equalities

- 6.4 The Local Plan review will be supported by a plethora of documents. This includes an Equality Impact Assessment to ensure that the Local Plan is fit for purpose in respect of equality.

(e) Communications

- 6.5 The publication of a new timetable for the review of the Local Plan will be publicised on the Council's website and on the Planning Services Twitter feed. As the process progresses there will be constant communication with persons and organisations on the Consultee database, the continual use of social media and, at certain points, press releases and other methods of communication on the Local Plan.

(f) Planning Implications

- 6.6 As per (a) this will, on adoption, update the Borough Council's planning policy framework which is the basis for determining planning applications across the Borough (excluding the National Park area).

(g) Staffing Implications

- 6.7 The majority of work carried out and planned for is to be carried out within existing staffing budgets although staffing implications are also referred to under para 5.19.

(h) Environmental Implications

- 6.8 The Local Plan is subject to sustainability appraisal, strategic environment assessment and habitats regulations assessment to ensure the plan is both environmentally, socially and economically sustainable. The Plan is also couched on the principle enshrined within the National Planning Policy Framework of the 'general presumption in favour of sustainable development'.

(i) Crime and Disorder

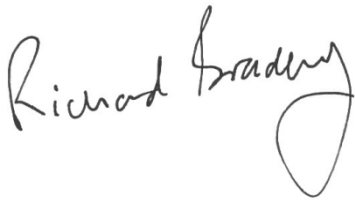
- 6.9 The Local Plan and planning in general works closely with the relevant bodies to ensure the Local Plan and planning decisions address issues in respect of designing out crime.

(j) Co-operation with Health Authorities

- 6.10 Parts of the Plan refer to health and specifically GP Surgeries. There will continue to be engagement with the relevant surgeries and the local health bodies.
- 6.11 I have considered whether the following implications arise from this report and am satisfied that there is no identified implications will arise from this decision in relation to Health and Safety implications or the Human Rights Act.

7. ACTION PLAN

7.1 The action plan that arises from this report is the actual timetable (Local Development Scheme) for the review of the Local Plan. This is part of the subject of this report and the Local Development Scheme is appended in full.

A handwritten signature in black ink that reads "Richard Bradley". The signature is written in a cursive style with a large, looped initial 'R' and a distinct 'B'.

Richard Bradley
Director

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Background Papers:

Please give details of all publicly accessible (non private) background papers applicable to the report:

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR.

RISK MATRIX

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/Responsible Officer	Action Plan
1	June 2019	Council does not set out a timetable for reviewing the Local Plan.	<p>Local Plan would become out of date and no longer fit for purpose resulting in:</p> <p>i) The Government could name the Council as a failing 'Local Planning Authority' and intervene in the process taking control away from the Local Authority.</p> <p>ii) Applications being submitted on sites not allocated in the Local Plan which would be more difficult to withstand resulting in poorly planned development with potentially inadequate infrastructure.</p> <p>iii) Lost opportunities for inward investment into the Borough.</p>	Agree to review the Plan, approve the proposed LDS and commence the review of the Local Plan.	D4	B4	Mr D Walker / Mr S Wilson	None
2	July 2019	The budget is not sufficient to fund the costs of the	The council would incur overspends in the current	The service try to undertake as much work in	C4	B4	Mr D Walker / Mr S Wilson	Costs will be regularly monitored and the

		Local Plan review	financial year or the local plan would not be up to date.	house as possible				service will seek to work with other local authorities on joint evidence to reduce costs
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Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

Likelihood:

- A = Very Low
- B = Not Likely
- C = Likely
- D = Very Likely
- E = Almost Certain

Impact

- 1 = Low
- 2 = Minor
- 3 = Medium
- 4 = Major
- 5 = Disaster

Appendix 1 – The Local Development Scheme

TO BE INSERTED

Appendix 2 – PLANNING POLICY MEMBERS’ WORKING GROUP TERMS OF REFERENCE

1. Composition of Group

The Group is chaired by the Portfolio Holder with responsibility for planning and to consist of:

- Chair and Vice-Chair of Planning and Development Committee;
- Five other Members to provide wide coverage of geographical areas and political parties;
- The Leader of the Council will also have a standing invite to attend meetings.

The group will be supported by planning and other officers as relevant.

2. Membership

Once nominated onto the group Members will commit to participate for duration of a minimum of two years to ensure continuity in the preparation of the Local Plan and other planning policy matters.

3. Remit

The purpose of the Working Group is to involve Members with responsibility for planning matters in the review of the Local Plan and other planning policy matters including the preparation and review of Supplementary Planning Documents, Guidance Notes and Development Briefs. This will allow Members:

- (a) a greater understanding of the planning policy process;
- (b) to be informed of local and national planning (and related) issues which will influence the Local Plan;
- (c) to be informed of and consider the response to consultation on Local Plan and policy documents;
- (d) to provide an input to the strategic direction of new and/or revised policy, drawing on their knowledge of issues arising through the operation of the development management system, their geographic representation/knowledge and involvement with other strategy preparation and implementation.

Members will be expected to disseminate information on and champion the Local Plan to aid understanding amongst other Councillors and the public and encourage attendance at any wider Local Plan or Planning Policy Sessions.

The Working Group has no executive powers.

4. Frequency of Meetings

The frequency of meetings will be at the discretion of the Working Group and officers to advise on the need for meetings in the light of the particular stage reached and circumstances at any given time.