

## **HIGH PEAK BOROUGH COUNCIL**

### **The Executive**

**1 April 2021**

<b>TITLE:</b>	<b>High Peak Local Plan Review</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Councillor Anthony McKeown, Leader of the Council</b>
<b>CONTACT OFFICER:</b>	<b>Mark James – Principal Planning Officer</b>
<b>WARDS INVOLVED:</b>	<b>All wards outside of the Peak District National Park</b>

### **Appendices Attached – Draft Terms of Reference for Local Plan Steering Group**

#### **1. Reason for the Report**

- 1.1 To notify members of the importance of keeping the Local Plan up to date and reviewed within 5 years of adoption to ensure development plan policies are relevant and to reflect emerging government planning policy guidance and regulations.

#### **2. Recommendation**

- 2.1 That the requirement for the Council to review the Local Plan at least every five years is noted.
- 2.2 That the proposed Terms of Reference for a Local Plan Steering Group to consider development plan policy evidence and analysis is approved.
- 2.3 That following the Local Plan Steering Group's consideration of development plan policy evidence base and analysis, a further Executive Report is prepared setting out conclusions and recommendations for updating the Local Plan and the timetable for statutory preparation processes.

#### **3. Executive Summary**

- 3.1 National planning policy has evolved since the Local Plan was adopted and continues to do so. Furthermore, wider changes at a local and national level indicate that further exploration of the potential scope of changes to the Local Plan is appropriate.

- 3.2 A Local Plan Steering Group is proposed to be established to consider work on the Local Plan which will focus on evidence gathering and analysis and policy development over the next year. A further Executive Report will then be produced establishing the statutory process and timeframe for renewing the Local Plan so its fit for purpose in delivering sustainable development and growth for High Peak for the next 15 year period.
- 3.3 In the meantime, planning applications will continue to be determined in accordance with the development plan (including the Adopted Local Plan) unless material consideration indicate otherwise. Due weight will be given to policies in the plan according to their consistency with the latest National Planning Policy Framework.
- 3.4 It is considered that the following policy themes would benefit from more detailed consideration in the initial phase; climate change, design, town centres, biodiversity, air quality. Development requirements and the supply of available and suitable land will also need to be considered at the appropriate time. The proposed Local Plan Steering Group will inform this process.

#### **4. How this report links to Corporate Priorities**

- 4.1 The Local Plan directly links to all four aims of the Corporate Plan.

#### **5. Alternative Options**

- 5.1 If the Council were not to undertake review of the Local Plan within 5 years of its adoption, it would not be complying with its statutory duty and over time the Local Plan would increasingly have less weight in the planning process. It also has the potential to lead to the Council being highlighted by government as failing to have an up to date Local Plan.

#### **6. Implications**

##### 6.1 Community Safety - (Crime and Disorder Act 1998)

No direct implications.

##### 6.2 Workforce

Officers from the Development Services team will lead on the review with input from colleagues in other services.

##### 6.3 Equality and Diversity/Equality Impact Assessment

An equalities assessment accompanies this report.

##### 6.4 Financial Considerations

Whilst the full scope of new evidence has yet to be determined, initial estimates indicate that a budget of c.£100,000 would be required in year one of an update (2021/22). Total costs may approach £500,000 up to adoption due to associated consultancy support and Planning Inspectorate fees but this is expected to represent a worst case scenario. This would require additional provision in the Development Services budget, which is not currently included with the Council's Medium Term Financial Plan. Dependent on the 2020/21 outturn position, consideration will be undertaken to establish an earmarked reserve for £100,000 to take into account projected year 1 costs.

## 6.5 Legal

Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.

## 6.6 Climate Change

A review of the Local Plan will enable greater consideration of the response of planning policy to the climate change emergency as declared by the Council.

## 6.7 Consultation

Public consultation will be undertaken in accordance with the Council's Statement of Community Involvement (2019) and local planning regulations. Following the evidence gathering and analysis stage, a timetable for public consultation will be set out in a revised Local Development Scheme.

## 6.8 Risk Assessment

The risks associated with the review are set out in this report.

Neil W. Rodgers  
**Executive Director (Place)**

### **Web Links and Background Papers**

Adopted High Peak Local Plan (2016)  
[https://www.highpeak.gov.uk/media/160/The-High-Peak-Local-Plan-Adopted-April-2016/pdf/The\\_High\\_Peak\\_Local\\_Plan\\_Adopted\\_April\\_2016.pdf?m=1514473710280](https://www.highpeak.gov.uk/media/160/The-High-Peak-Local-Plan-Adopted-April-2016/pdf/The_High_Peak_Local_Plan_Adopted_April_2016.pdf?m=1514473710280)

### **Contact details**

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National Planning Policy Framework  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance on Plan Making  
<https://www.gov.uk/guidance/plan-making>

Ministerial Statement: Planning Update (19 January 2021) <https://questions-statements.parliament.uk/written-statements/detail/2021-01-19/hcws720>

Government's response to the Future Homes Standard consultation  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/953791/Government\\_response\\_to\\_Future\\_Homes\\_Standard\\_consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953791/Government_response_to_Future_Homes_Standard_consultation.pdf)

## 7. Detail

### Statutory obligations and national policy

7.1 Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), local planning authorities must review local plans at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.

7.2 Paragraph 33 of the National Planning Policy Framework (NPPF) states:

*“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.*

7.3 The national planning practice guidance states that *“most plans are likely to require updating in whole or in part at least every 5 years”*.

7.4 If the Council decides to update all or part of the plan, it must publish a new Local Development Scheme (LDS) with the timetable for the preparation and adoption of the new Local Plan. Alternatively, the Council decides not to update the plan or some of the policies, it must publish its reasons for not doing so.

7.5 No process is defined for objectors to challenge the Council's conclusions on the plan review. However, planning inspector's via the appeals process may

begin to deem policies out of date over time if the plan review concludes that an update is not required.

- 7.6 The Planning and Compulsory Purchase Act 2004 gives the Secretary of State powers to intervene when a local authority does not have an up to date Local Plan. Section 27 (1) states that intervention can be made if the Secretary of State thinks that *“a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document.”* Section 27 (2) states that the Secretary of State may *“(a) prepare or revise (as the case may be) the document, or (b) give directions to the authority in relation to the preparation or revision of the document.”*
- 7.7 If a new Local Plan is taken forward, the National Planning Policy Framework requires that it will need to look ahead for a minimum of 15 years from the date of adoption. It must also identify sufficient land for housing for at least 10 years from the date of adoption and where possible for 11-15 years. As the current Local Plan period ends in 2031, a Local Plan review would need to consider housing land supply beyond the current plan period.

#### Background

- 7.8 The High Peak Local Plan was adopted on 14 April 2016 and covers the period up to 2031. It seeks to deliver an annual average of 350 homes per year which reflects economic growth aspirations. To support this growth, 45ha of land for employment is also identified. The spatial strategy for the Local Plan seeks to focus the majority of this growth in the main market towns of Buxton, Glossop, New Mills, Chapel-en-le-Frith and Whaley Bridge with more modest scale of development in the “Smaller Villages” such as Hayfield, Chinley and Peak Dale.
- 7.9 Since the Local Plan was adopted, the Council has performed relatively well in terms of housing delivery. A 5 year housing land supply has been maintained since adoption (5.22 years as of April 2020) and the Council has passed the Housing Delivery Test in both years that it has been in operation (159% in 2020 measurement). Developer contributions towards affordable housing (234 completions between 2016 and 2020) and infrastructure to support this growth have been secured. Local Plan policies have also enabled the Council to manage development in line with its own agreed strategy and to successfully defend its position at planning appeals. Nevertheless, national planning policy has evolved since the Local Plan was adopted and it continues to do so.
- 7.10 The Local Plan was prepared under the NPPF as published in 2012 which has since been superseded. A new NPPF was issued in 2018 and subsequently updated in 2019 including a new method for assessing Local Housing Need. Further changes to national policy and guidance are due in 2021 with updates to the NPPF and a new National Model Design Code currently subject to consultation. It will be important for the Council to consider how these changes should be reflected in local Plan policy and proposal moving forward into the next 15 year plan period.

- 7.11 The Planning White Paper published for consultation in 2020 proposes a new planning system with fundamental reform of the nature, scope and process for developing Local Plans. The White Paper proposes that new style Local Plan will be in place by the end of the current Parliament in 2024. However, the proposed transitional arrangements set out in the Planning White Paper state that LPAs will have 42 months (rather than 30) to prepare a new style plan if they have adopted a previous plan within the past 3 years or have submitted a plan for examination. The 42 month period would commence from the point at which the legislation is brought into force, or upon adoption of the most recent plan, whichever is later.
- 7.12 The Government published the “Planning for the Future” paper in March 2020 which set out a requirement for all Local Planning Authorities (LPAs) to have an up to date plan in place by December 2023. The December 2023 deadline was reaffirmed in the Government’s response to the “Changes to the Current Planning System” consultation which was published on 16<sup>th</sup> December 2020. A Written Ministerial Statement also published on 16<sup>th</sup> December 2020 provided some indication of the timescales for the wider planning reforms as set out in the White Paper, stating that the Government;

*“will publish a response in the Spring which will setting out our decisions on the proposed way forward, including to prepare for legislation, should we so decide, in the Autumn.”*

- 7.13 *A further statement made by Christopher Pincher MP, Minister of State for Housing on 19 January 2021 again highlighted “the clear deadline of December 2023 for all authorities to have up-to-date Local Plans in place.”* The statement also made it clear that local authorities should not delay plan making due to the emerging proposals in the Planning White Paper:

*“The Planning for the Future White Paper consultation closed in October. The White Paper sets out proposals to deliver a significantly simpler, faster and more predictable system. These proposals will need further development. Authorities should not use this period as a reason to delay plan-making activities. Authorities who have an up-to-date plan in place will be in the best possible position to adapt to the new plan-making system.*

*I will consider contacting those authorities where delays to plan-making have occurred to discuss the reasons why this has happened and actions to be undertaken.”*

#### Implications of the Planning White Paper

- 7.14 The recent White Paper proposed fundamental reform of Local Plans in terms of their future content and the process for preparation. Whilst there is significant uncertainty regarding the scope of Local Plans under the new planning system, some aspects of plan making are likely to be required irrespective of whether the plan is to follow the current or future system. As

such, some aspects the evidence base to inform a refresh to the Local Plan under the current system may be of relevance under any future new system.

- 7.15 The Planning White Paper states that new Local Plans prepared under the new system must be prepared within 30 months. However, in areas that have adopted a Local Plan within the last 3 years or have submitted one for examination, this period is extended to 42 months. As such, if the Council proceeds with an update to the Local Plan under the current system, it is more likely to be granted more time to prepare a plan under the new system in recognition of its recent progress.

#### Local Plan review

- 7.16 A Local Plan does not become out-of-date automatically after five years. The adopted Local Plan will continue to form part of the statutory development plan for High Peak. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Due weight will be given to policies in the plan according to their consistency with the latest National Planning Policy Framework.
- 7.17 As highlighted in this report, the current Local Plan was prepared under the 2012 NPPF which has since been superseded. Furthermore, additional revisions to national policy are currently subject to consultation. As such, the requirements for Local Plans have evolved. Other factors have also changed since the adoption of the Local Plan in 2016. Data as set out in the Council's Annual Monitoring Report (AMR) provides a record of the effectiveness of policies measured against the indicators of the Local Plan. Wider changes at a local and national level may also necessitate a refresh of policy:
- Housing delivery and supply is on track to date but more challenging sites are in the pipeline
  - Employment site allocations have stalled and the development of land for employment has not kept pace with housing growth
  - A new method for identifying Local Housing Need is now in place. This is likely to have implications for requirements for other development such as employment and retail. It is important in determining the housing need requirements for the next 15 year plan period that it takes account of the Council's future growth strategy
  - A new definition of affordable housing is now in place and the thresholds at which it can be secured via developer contributions is now different in the latest NPPF.
  - Infrastructure is generally on track to be delivered on time to support the current Local Plan. However, infrastructure requirement will need to be updated to reflect new development requirements and the latest data on capacity if the plan is refreshed.
  - Other specific issues may require more detailed or updated policies to reflect new national policy or corporate priorities, these include:
    - Climate change – the Council has now declared a climate change emergency. On 19 January 2021, the Government's response to the

Future Housing Standards consultation clarified that Local Plans can set local energy efficiency standards for new homes. Stronger standards are also expected to be implemented through updated Building Regulations in 2022 and 2025 to deliver “zero carbon ready” homes.

- Air quality – Air Quality Management Areas have been designated in Tintwistle and Glossop. New planning policies could provide a stronger response to address air quality in these areas and elsewhere
- Biodiversity – need to deliver net gain (Environment Bill and NPPF)
- Town centres – more flexibility may be required to policy to respond to evolving challenges facing town centres, not least in light of Covid-19
- Design – national policy now places stronger emphasis on the need for good design. LPAs will be expected to prepare local Design Codes to clearly set out design expectations.

### Next steps

- 7.18 It is proposed that the Council explores the factors that will shape the next Local Plan in more detail. This will comprise of evidence gathering and engagement with Councillors in the initial phase. A detailed timetable for a new plan will be prepared in the form of a new Local Development Scheme to be considered by the Executive at a later date in 2022 which will set out milestones for public consultation and decision making. The following is proposed for the next 12 months. This includes the establishment of a Local Plan Steering Group to scrutinise the evidence base and process (see Appendix for Terms of Reference).
- Spring 2021 – Local Plan Steering Group established
  - Spring / Summer 2021 – Local Plan Steering Group meeting to consider scope of new evidence required to shape the next Local Plan.
  - Summer / Autumn 2021 – Evidence gathering phase. Commissioning of new studies and contract management. Review of existing available evidence (Annual Monitoring Reports, Infrastructure Funding Statements etc).
  - Autumn / Winter 2021 – Findings of new evidence discussed at Local Plan Steering Group meetings
  - Winter 2021 / 2022 – Implications of evidence reviewed by officers
  - Winter / Spring 2022 – Report to the Executive with conclusions from the evidence update and recommended next steps.
- 7.19 The Government’s deadline of December 2023 to have Local Plans in place is highly ambitious given the time taken to prepare plans in line with the statutory process which includes an examination in public. The Planning Inspectorate is likely to face high demand for Local Plan Inspectors in the run up to this deadline which may further exacerbate the issue. There is therefore a risk that the Secretary of State could intervene. However, this risk is considered unlikely on the basis that High Peak Borough Council has a good track record in plan making having adopted a Local Plan as recently as 2016.

- 7.20 Furthermore, the Secretary of State is likely to focus on areas of high housing growth where stalled Local Plans can have a more significant impact on the Government's target of delivering 300,000 homes per year.
- 7.21 Nevertheless, support is to be sought from the Planning Advisory Service which has just launched their "get your plan over the line - 2023" support package in recognition of the challenge facing many local authorities. Initial discussions with the Planning Advisory Service indicate that the support could focus on consideration of the timetable for the plan and scoping out which elements of the existing evidence base is sufficient. If existing information can be used, this would save both time and money.