

HIGH PEAK BOROUGH COUNCIL

The Executive

23 June 2022

TITLE:	Local Plan Review
EXECUTIVE COUNCILLOR:	Councillor Anthony McKeown - Council Leader HPBC
CONTACT OFFICER:	Mark James - Principal Planning Officer
WARDS INVOLVED:	All areas outside of the Peak District National Park

Appendices Attached –

Appendix A Plan Review Toolkit Part 1
Appendix B Plan Review Toolkit Part 2

- 1. Reason for the Report**
 - 1.1 To inform the Council of the conclusions from the review of the adopted High Peak Local Plan (2016) and to determine if it needs to be updated.
- 2. Recommendation**
 - 2.1 That the Executive note details of the assessment of the adopted Local Plan
 - 2.2 That the Executive concludes that Policy S3 (Strategic Housing Development), Policy S4 (Maintaining and Enhancing an Economic Base) and Policy H4 (Affordable Housing) are deemed out of date for development management purposes.
 - 2.3 That the Executive agrees to the commencement of an update to the Local Plan to update Policy S3, S4 and H4 and to consider any consequential updates for policies and to reflect corporate priorities, including in particular issues around climate change, biodiversity and nutrient neutrality.
 - 2.4 That the Local Plan Steering Group reconvene to consider priorities and timecales for the Local Plan update to inform the consideration of a new Local Development Scheme by the Executive.

3. Executive Summary

- 3.1 A review of the Local Plan has been undertaken having regard to new evidence, updated and emerging national policy and legislation and monitoring information. It has concluded that the adopted Local Plan is partially out of date. Updated policies regarding housing (including affordable housing) and employment requirements are needed.
- 3.2 The remainder of the policies in the Local Plan remain broadly in line with national policy but will need to be closely monitored as updates to development requirements in strategic policies are likely to necessitate consequential updates to wider policies such as the spatial strategy and other development management policies.
- 3.3 Updates to wider policies would also provide opportunities for the Council to align the plan with its priorities for climate change and biodiversity as well as the emerging implications of nutrient neutrality.
- 3.4 Policies that are declared out of date will be given less weight for development management purposes. The five year housing land supply calculation must also be based on the annual Local Housing Need figure (currently 260) calculated using the Government's standard methodology rather than the out of date Local Plan housing requirement of 350.
- 3.5 It is proposed that the Local Plan Steering Group reconvenes to discuss the priorities moving forward in terms of further evidence gathering, wider engagement and the development of options and proposals for future policy. This would inform the timetable for plan preparation to be set out in a Local Development Scheme to be considered for adoption by the Executive.

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 Option 1 (recommended) – that the recommendations of this report and the conclusions of the Local Plan review assessment are taken forward. This option reflects the latest evidence and outcome of the review and provides the Council with an opportunity to bring the Local Plan into line with new national policy and local priorities.
- 5.2 Option 2 (not recommended) – that alternative conclusions are drawn on the review. This option is less likely to align with the latest evidence and assessment of the Local Plan and may not lead to the update of the Local Plan to bring it in line with new national policy and local priorities.

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

In anticipation of the possible need to update the Local Plan, £99,230 has been allocated to the Local Plan budget for 2022/23. Any Local Plan costs in year in excess will be met from Corporate Reserves.

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

An update to 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 confirmation of priorities for the update of the plan in 2022/23, 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 Local Plan -
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

High Peak Statement of Community Involvement -
https://www.highpeak.gov.uk/media/4047/High-Peak-SCI-adopted-February-2019/pdf/High_Peak_SCI_adopted_February_2019.pdf?m=1553776998070

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

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

Contact details

Mark James
Principal Planning Officer
mark.james@highpeak.gov.uk

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, an updated Local Plan would need to consider housing land supply beyond the current plan period.

Background and key changes since 2016.

- 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 (gross) 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.
- 7.10 The Local Plan was prepared under the NPPF as published in 2012 which has since been superseded several times. A new NPPF was issued in 2018 and subsequently updated in 2019 including a new method for assessing Local Housing Need. Further changes to the NPPF were introduced in 2021 with stronger focus on good design.
- 7.11 Wider legislative changes will have further implications for any future iteration of the Local Plan. The 2021 Environment Act introduces a mandatory requirement for development to achieve a 10% net-gain in biodiversity from late 2023. Local Nature Recovery Strategies must also be prepared (likely at a county level) to provide spatial plan for ecological improvements. Both new obligations could be reflected in a new Local Plan.
- 7.12 More recently, the publication of the Levelling Up and Regeneration Bill provided details of the Government's planning reforms following the proposals set out in the 2020 Planning White Paper. Whilst some of the more controversial elements of the White Paper are not being progressed such as the designation of "growth areas" with permission in principle, a desire to

streamline plan-making and speed up the process is still at the heart of the reform.

- 7.13 Proposals in the Bill include: local plans to be given even more weight when determining applications, National Development Management Policies will be set by Government for generic policies that are generally not refined at a local level e.g. heritage, 'Gateway' checks during production will help to spot and correct any problems at an early stage, new Local Plan Commissioners to support or take over plan-making if LPAs failing, a new duty for infrastructure providers to engage in the process, legal 'duty to cooperate' to be replaced with a policy alignment test, removal of 5 year housing land supply requirement for plans less than 5 years old (future NPPF update), greater use of digital tools and data to support community engagement, new "Supplementary Plans" where policies are required quickly, mandatory area-wide Design Codes, Strategic Environmental Assessment (SEA) requirements replaced by "Environmental Outcomes Reports", scope for voluntary spatial development strategies and S106 and CIL will largely be replaced with a "Infrastructure Levy"
- 7.14 Notwithstanding the detail outlined in the Bill, it is subject to change following scrutiny in Parliament. Royal assent is currently expected around late 2022 to 2023. Transitional arrangements that should clarify how and when local plans should reflect the new requirements of the eventual Act are expected shortly. Whilst there remains a degree of uncertainty, it is clear that Local Plans will fundamentally carry the same functions as at present, albeit in a more succinct form and with a stronger focus on locally specific issues. Indeed, the Government is keen to ensure that the reforms do not lead to plan making stalling. Planning Minister Stuart Andrew recently stressed that local authorities should *"keep going ... that is a really strong message from us as a department..."* and that those already developing new local plans should *"carry on because that work is valuable work anyway..."*
- 7.15 The recent advice from Natural England that development within the catchment of the Peak District Dales Special Area of Conservation (SAC) (River Wye) must demonstrate nutrient neutrality is a further significant development that has immediate and longer terms implications for scope for development and supporting infrastructure. The matter is subject to a separate report. However, in essence, this new obligation will delay the delivery of new housing land until such time that appropriate mitigation either on or off-site has been implemented. Off-site mitigation will need to be co-ordinated with a strategy working with other partners in the catchment. Mitigation measures will also increase development costs which may in turn impact on the ability of developments to fund affordable housing and infrastructure.
- 7.16 The advice directly impacts the Buxton area which is currently a focal point for housing growth in the adopted Local Plan. The implications of this for future housing provision in the town and the distribution of development across the Borough will need to be carefully considered as further details emerge.
- 7.17 Housing land supply is another factor that has evolved since the adoption of the Local Plan. Whilst the adoption of the Local Plan in 2016 provided the

Council with a sufficient housing land supply for the first time, annual position statements published subsequently have shown a gradual decline in supply year on year (Table 1). As of 31 March 2021, the Council can only demonstrate a 4.79 year supply of housing.

- 7.18 Furthermore, the average annual housing requirement of 350 has only been achieved twice since 2011. Completions in 2020/21 (249) were at their lowest since the adoption of the Local Plan. Whilst the Covid-19 pandemic undoubtedly undermined housing delivery, the gradual decline in the supply from the pre-pandemic periods indicate that the availability of readily developable sites is declining. Under-supply against the average annual target also leads to a significant cumulative shortfall of 1086 (Table 2). As a proportion of the shortfall is added on to the five year housing land supply calculation, the requirement has grown over time making it more challenging to demonstrate a five year supply.

Table 1: High Peak housing land supply (2017-2021)

Year (at 31 March)	Land supply
2017	7
2018	6.29
2019	5.37
2020	5.22
2021	4.79

Table 2: Housing completions and cumulative shortfall since the start of the plan period

Year	Completions outside Peak District National Park (net)	Peak District National Park Completions within High Peak (net)	Adopted Local Plan Target	Shortfall Against Relevant Target
2011/12	102	14	350	-234
2012/13	207	7	350	-136
2013/14	36	1	350	-313
2014/15	100	9	350	-241
2015/16	160	1	350	-189
2016/17	330	2	350	-18
2017/18	498	4	350	152
2018/19	380	6	350	36
2019/20	305	3	350	-42
2020/21	249	0	350	-101
Total	2,367	47	3,500	-1,086

7.19 The Council has adopted a Growth Strategy which includes delivery of an 'Accelerated Housing Delivery Programme' (developed following the adoption of the local plan). It demonstrates the Council's commitment to delivering the current Local Plan and maximising community benefits by supporting developers and making use of Council owned assets, including:

- Market Street, Buxton
- Land west of Tongue Lane/Granby Road B, Buxton
- Melandra Castle Road, Gamesley
- Padfield Main Road, Hadfield (Roughfields)
- Paradise Street, Hadfield
- Adderley Place, Glossop

7.20 To date this initiative has secured funding towards a new roundabout on the A6 at Fairfield that will help to unlock housing land at Hogshaw, Waterswallows, land west of Tongue Lane. New homes are also being brought forward on Granby Road A. Officers also regularly meet to review progress on housing allocations and those with permission to share information from landowners and agents, identify reasons for delay and take forward solutions to help ensure that housing land supply projections are met.

7.21 Nevertheless, fundamental inputs into Council's plans for housing in the form of development requirements and the allocation of new sites can only be achieved through a new Local Plan.

Review process to date and updated evidence

7.22 The Council undertook an initial assessment of the Local Plan in 2021. Following prior discussion at the Economy and Growth Select Committee on 25 March, the Executive agreed to recommendations regarding the review of the Local Plan at a meeting held on 1 April 2021. This included the establishment of a new Local Plan Steering Group to consider the evidence and process of the review ahead of a further report back to the Executive in Spring 2022 to determine if the Local Plan needed to be updated, hence this report.

7.23 The newly formed Local Plan Steering subsequently met in June 2021 to discuss the priorities for evidence needed to help the Council determine whether or not the Local Plan needed to be updated. This included updated assessment for the need for housing employment and retail for the Borough as well as emerging priorities and evidence in relation to climate change and biodiversity.

7.24 A series of three further Local Plan Steering Group meetings were held in May 2022 to provide and update on progress on key strands of the evidence base, emerging details of future planning reforms through the Levelling Up and Regeneration Bill and to provide an initial view on their implications for the Local Plan review.

7.25 A summary of the new evidence and likely implications for the Local Plan review as discussed with the Steering Group in May is provided below.

- Housing and employment land requirements in the current Local Plan can be considered out of date. The emerging Housing and Economic Development Needs Assessment (HEDNA) indicates that housing need is between 260 (Local Housing Need) to 364 (policy on-jobs growth) homes per year. The Local Housing Needs figure is significantly below the current Local Plan annual requirement of 350 and the Borough has only delivered 364 homes or more twice since 2011. The need for gypsies and travelers accommodation and for boat dwellers is to be confirmed.
- For the first time since the adoption of the Local Plan, the Council cannot demonstrate a five year supply of housing land. Furthermore, the supply position has been gradually decreasing since 2017. The allocation of additional sites in a new Local Plan as well as the re-consideration of development requirements would address this situation.
- The Retail and Town Centre Study does not identify a need to allocate land for a new retail. Greater flexibility may be required in planning policy to enable and actively plan for a more diverse and flexible range of uses in our town centres recognizing the relative shift away from retail.
- New obligations set out in the Environment Act, including the mandatory requirement for development to achieve 10% net-gain in biodiversity are not reflected in the current Local Plan. Whilst 10% net-gain will be required irrespective of planning policies, an updated Local Plan could present an opportunity to ensure that net-gain more closely reflects the Council's wider policy objectives. This would be informed by the emerging Biodiversity Strategy and Local Nature Recovery Strategy.
- Emerging climate change guidance prepared with Vision Derbyshire could provide a platform upon which to set out more detailed and aspirational planning policies that more closely align with the Council's Climate Change Emergency Declaration. However, scheduled enhancements to buildings regulations are also expected to require new homes are zero-carbon ready from 2025.
- The recently announced requirement for development within the River Wye Peak District Dales SAC to demonstrate "nutrient neutrality" has immediate and longer terms implications for growth in the Buxton area. New policies to reflect the Council's eventual approach to managing this situation would provide a clear and more robust solution. The spatial strategy (the distribution of development across the Borough) may also be need to be re-visited if it is demonstrated that Buxton is unable to sustain planned levels of growth.
- Infrastructure plans have evolved since 2016 and they will have implications for planning. For instance, a decision on the A57 Link Roads Scheme is due to be made by the SoS and there is ongoing consideration of possible rail improvements on the Glossop/Hadfield rail line, the outcome of which will influence plans in Glossopdale. Equally, the outcome of the A6 Corridor Study will provide a strategy for transport improvements in Buxton and the Central Area.
- The Levelling Up and Regeneration Bill contains proposals that will shape the approach to future Local Plan and developer contributions.

Conclusions

- 7.26 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.
- 7.27 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 and legislation are also emerging. 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.
- 7.28 To facilitate the assessment of the Local Plan and to pull all of the above information together, the Local Plan Review Toolkit as developed by the Planning Advisory Service¹ (PAS) has been applied. This comprises of two parts:
- Part 1 – poses a series of questions to guide the Council's decision as to whether the Local Plan needs to be fully or partially updated. (Appendix A)
 - Part 2 - a checklist to assess the Local Plan against key requirements in the National Planning Policy Framework (NPPF) and legislation (the findings of which feed into Part 1). (Appendix B).
- 7.29 Part 1 concludes that whilst many of the current policies in the adopted Local Plan are still broadly in line with the latest NPPF and can therefore be viewed as up to date for development management purposes, Policy S3 (Strategic Housing Development), Policy S4 (Maintaining and Enhancing and Economic Base) and Policy H4 (Affordable Housing) need to update development requirements and priorities in order to reflect the latest national policy and evidence.
- 7.30 In addition, a new spatial strategy may be needed following further consideration of development requirements, site availability, infrastructure and nutrient neutrality. Such changes may in turn have consequential implications for other policies. Updated climate change and biodiversity policies may also present an opportunity to ensure that they more closely align with the Council's own priorities as set in its climate change and biodiversity emergency declaration.
- 7.31 Furthermore, the Levelling Up and Regeneration Bill and subsequent Act may necessitate additional updates to policies depending on the timing of the implementation of the proposals, related regulations and transitional arrangements. The implications of this should be kept under close review.

¹ PAS is linked to the Local Government Association and directly funded by the Department of Levelling Up Housing and Communities with the aim of supporting local planning authorities.

Implications of declaring the Local Plan partially out of date

- 7.32 Declaring part of the Local Plan out of date will have implications for future iterations of the five year housing land supply calculation, Housing Delivery Test results and weight to be given to policies when determining planning applications as set out below:
- Housing Delivery Test – when the housing requirement is more than 5 years old and needs to be updated, the local housing need figure will apply (260). This would make it easier for the Council to pass the Housing Delivery Test.
 - 5 year housing land supply – when the housing requirement is more than 5 years old or deemed out of date, the local housing need will apply (260) rather than the Local Plan requirement of 350.
 - Policies - a plan does not become out-of-date automatically after 5 years. Due weight should be given to relevant policies according to their consistency with the National Planning Policy Framework. Less weight would be given to:
 - Policy S3 (Strategic Housing Development)
 - Policy S4 (Maintaining and Enhancing an Economic Base)
 - Policy H4 (Affordable Housing)

Next steps

- 7.33 If in line with the recommendations in this report the Council decides to update the Local Plan, it will also need to agree a new Local Development Scheme (LDS) which sets out the timetable for the preparation and adoption of the plan.
- 7.34 If the Council decides to begin to develop a new Local Plan, it is proposed that the Local Plan Steering Group reconvenes to discuss the priorities moving forward in terms of further evidence gathering, wider engagement and the development of options and proposals for future policy. This would inform the timetable for plan preparation to be set out in the LDS.
- 7.35 The LDS would also need to reflect the statutory requirements for plan preparation, including the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Regulation 18 sets out the provision for consultation during the preparation of the Local Plan. Specific details for public consultation must also accord with the Council's own Statement of Community Involvement (SCI).
- 7.36 Regulation 19 then requires the subsequent publication of the version of the Local Plan that the Council considers to be "sound" to invite formal representations from the community and stakeholders.
- 7.37 The Council can then decision whether the Local Plan, associated evidence and representations can be submitted to the Planning Inspectorate to hold an

Examination in Public. An Inspector will then assess the plan to determine if the plan is sound and legally compliant. This process is informed by a series of hearing sessions at which the Inspector's "matters, issues and questions" are discussed.

- 7.38 During this process, the Inspector may identify "main modifications" to the plan that will be necessary to make the plan sound. Any such modifications would be subject to further public consultation before the Inspector publishes their final report which will conclude if the plan is suitable for adoption with any necessary modifications. The Council may then decide to adopt the Local Plan.