



Report to Growth, Infrastructure & Housing Select Committee

Date:	6 October 2022
Title:	Local Plan for Buckinghamshire update
Cabinet Member(s):	Cllr Peter Strachan
Contact officer:	Darran Eggleton/John Cheston
Ward(s) affected:	All
Recommendations:	To note the progress made and current position in relation to the Local Plan for Buckinghamshire.
Reason for decision:	To ensure the Select Committee is kept up to date with the progress of the Plan.

1. Executive summary

1.1 This report provides an update on the progress of the Local Plan for Buckinghamshire (**LP4B** or **Plan**) to the Growth, Infrastructure & Housing Select Committee. The key topics covered are:

- a) Planning reforms and their consequences for the LP4B
- b) Current recommended timetable for the LP4B
- c) Update on technical work

2. Content of report

2.1 This report updates the Committee on progress to date on the Plan and the current position concerning the preparation of the Plan.

2.2 As previously reported to this Committee, the Council has a statutory duty to prepare a new Local Plan for Buckinghamshire and adopt it by April 2025. More

importantly, however, the Plan provides a major opportunity to shape the growth of Buckinghamshire over the next 15 years and beyond. The Plan will complement the work of the Buckinghamshire Growth Board on the Vision for Buckinghamshire and also the Recovery and Growth Proposal, setting out the spatial vision and proposals for the growth of the area up to 2040. It will also be critical to the day to day planning application decisions that the Council takes as the local planning authority, as once adopted (or significantly progressed), the Local Plan is the prime consideration in those decisions. It shapes in detail not just where development takes place but also the quality of the development and secures the infrastructure (or funding for infrastructure) to support it.

- 2.3 Previous reports to members, member briefings and this committee have highlighted the significant uncertainty that the Government's current planning reforms have created in the preparation of the LP4B.
- 2.4 There continues to be uncertainty at the highest levels of Government since the resignation in July 2022 of the Prime Minister Boris Johnson and the appointment of his successor, Liz Truss, on 6 September. The new Secretary of State for Levelling Up is Simon Clarke and we wait to hear how the new Government will take planning reforms forward.
- 2.5 Since we last reported to the Committee, the Government has published the [Levelling-up and Regeneration Bill](#) ("LURB") and we set out here the key considerations arising from this for the LP4B. The Government was also expected to have published a Prospectus setting out further details of its proposed planning reforms in July, but we are now unlikely to see this until later in the autumn once the new Prime Minister, Cabinet and Ministerial teams have been established.
- 2.6 Key points to note from the LURB for plan-making include:
 - a) Much of the detail is left to secondary legislation, which is at the discretion of the Secretary of State (i.e. it may not be scrutinised by Parliament).
 - b) Local Plans will have to be prepared within 30 months. This statutory period is likely to include stages that are fixed in length and purpose.
 - c) The Government will set out National Development Management Policies (NDMP). It seems that there will be limited scope for Local Plans to include their own local development management policies. Planning decisions will be made in accordance with both the NDMP and the Local Plan, with the NDMP taking precedence.
 - d) A 'plan timetable' – in a standard format – replaces the Local Development Scheme.

- e) The process of environmental assessment of Plans will change, with the Government setting the key outcomes.
- f) The Duty to Cooperate will no longer be a legal test, but will remain as an 'alignment' [with neighbouring authorities' plans] soundness test. This allows the Planning Inspector to modify the Plan to align it, rather than the Plan failing at the outset of the Examination.
- g) There will be two opportunities for the public to comment on the Plan. In the Planning White Paper these were described as the 'Call for Suggestions' stage and the Publication stage (which will be simultaneous with Submission of the Plan to the Secretary of State).
- h) New 'Local Plan Commissioners' may be appointed by the Secretary of State to support or ultimately takeover plan-making if local authorities fail to meet their statutory duties.
- i) Recognising that the preparation of Neighbourhood Development Plans can be a very significant effort for parishes, qualifying areas can produce a 'neighbourhood priorities statement' which the local planning authority must take into account when preparing local plans.
- j) An Infrastructure levy (IL) will replace the Community Infrastructure Levy in England. Authorities will prepare local charging schedules, which will be subject to public examination. Authorities will be required to charge IL on development. Section 106 planning obligations will be retained for the largest sites and narrowly focused on on-site infrastructure. We await further detail on the operation of the new Levy. We do know that the Government proposes to introduce it over time, to allow a 'test and learn' staggered approach to IL regulations.

2.7 It will take significant time for the LURB and for secondary legislation to progress through Parliament, and for national planning policy and guidance to be revised to align with the new legislation. At present, our best estimate for a new system being fully in place is the first quarter of 2024.

2.8 If we follow the 30-month timetable from the first quarter of 2024, we could be submitting the LP4B to the Secretary of State in quarter 2 of 2025. The Plan is then in the hands of the Planning Inspector appointed to examine it and adoption could follow in mid-2026. This programme would demonstrate to the Department for Levelling Up, Housing and Communities that the Council is committed to preparing a new plan in good faith.

2.9 We considered whether it would be possible to progress the Plan under existing legislation so that it could be incorporated into any transitional arrangements. To do this, we would have to be ready to submit the Plan by quarter 1 of 2024. This would

not be a realistic timetable, particularly given the commitment to consult on a draft Plan in our [Statement of Community Involvement](#).

- 2.10 The LP4B work programme is therefore focusing on evidence gathering that is at less risk of being abortive until there is more information on key issues such as assessing housing need. Perhaps most important, we are gathering as much information as we can on land supply from different sources.
- 2.11 We have completed two Calls for Brownfield Sites, and our wider Call for Sites closed on 11 September 2022, although we may still consider sites submitted after this date. We received around 700 submissions in the wider Call and we are currently analysing these returns. We are also reviewing the land supply evidence from the legacy plans to see what continues to be relevant.
- 2.12 The calls for Brownfield sites received nearly 300 submissions though a small proportion of these turned out not to be brownfield sites. Work is in progress assessing their availability, suitability and capacity. However, it is evident at this stage that they will only provide a modest contribution towards meeting Buckinghamshire's total housing need as currently calculated. In view of this, the LP4B will have to determine the most appropriate growth strategy for the Council area to accommodate any remaining housing need. We have published more information about the sites that were submitted on the Council website [here](#).
- 2.13 We are about to commission a study to review land currently in use for employment and retail purposes, to assess whether it is still fit for these uses or could be repurposed for housing.
- 2.14 Early in 2023 we expect to publish our findings from the various calls for sites and other work to identify land supply across the Council area. We will be transparent and publish all submissions. It does not necessarily follow, however, that all sites published will be included in the Plan: this depends on much more work, discussion and engagement with Members, the public and wider stakeholders that will need to happen. It's likely that some site suggestions will be in the Green Belt but it is worth repeating here that the Council is committed to ensuring strong protection of the Green Belt from inappropriate development.
- 2.15 Other work in progress includes the following studies / integrating earlier studies from the legacy areas:
 - Early environmental assessment scoping
 - Climate change and renewables
 - Review of Landscape Character Assessment
 - Strategic Flood Risk Assessment and Water Cycle Study
 - Sports and Playing Pitch Facilities
 - Gypsy and Traveller Assessment

- Green Infrastructure, Open Space and Green Space Study
- Settlement review

- 2.16 We will develop further evidence workstreams as we gain greater clarity on the planning reforms.
- 2.17 Earlier this year, we invited views from the public with our [Attitudes survey](#) and have published the [key findings](#) on the Council website. We shared feedback on this engagement exercise with all Members in May this year.
- 2.18 Our response to key messages from the survey included reaffirming commitments to:
- a) Identify housing needs in Buckinghamshire including the number and types of houses needed, for example, family homes and first-time homes.
 - b) Include policies for affordable housing and other specialist housing such as homes for older people. We will also refer to housing waiting lists when identifying different housing types and tenures.
 - c) Consider how to deliver homes for key workers.
 - d) Recognise the support for brownfield development and for redeveloping sites within existing built-up areas.
 - e) Recognise the importance of the natural environment and include policies to improve the natural environment and ensure biodiversity net gain. The Local Plan will seek opportunities to connect green infrastructure and environmental assets.
 - f) Seek to protect employment sites and find suitable locations for economic growth. It is recognised that good accessibility and infrastructure are important for new employment sites.
 - g) Consider policies to support and develop local businesses, including how the Plan can support town centres and high streets.
 - h) Fully embed the mitigation of, and adaption to, climate change into the preparation of the strategic and non-strategic policies of the Plan. It will seek to include a range of new policies that collectively will reduce carbon dioxide emissions and encourage renewable and low carbon energy assessment.
 - i) Work proactively with infrastructure providers to understand the future infrastructure needs of the area. This includes the Integrated Care Board, utility providers and other service providers such as for schools and highway infrastructure. An Infrastructure Delivery Plan will be developed to support the delivery of the Local Plan.

- j) Encourage sustainable development, supported by services and infrastructure, while protecting our natural environment.

2.19 The Council continues to develop dialogue and collaboration on strategic planning issues with other local authorities and key agencies to ensure that the Council can satisfy the current statutory “Duty to Cooperate” and later, the proposed alignment test.

2.20 The detailed longer term programme for preparing the Buckinghamshire Local Plan will ultimately depend on the detail of planning reforms and subsequent changes to national planning policy. As is often the case with major legislative or policy change, there may well be transitional provisions, and careful account will need to be taken of these when they are available. The Council will need to be prepared to be flexible and adapt its approach to preparing the Plan in response to further changes.

3. Other options considered

3.1 Not applicable at this stage.

4. Legal and financial implications

4.1 There continues to be considerable uncertainty about the legal basis for preparing the LP4B. At present, local plans have to be prepared within the legislative framework provided by the Planning and Compulsory Purchase Act 2004 (as amended) and the relevant associated regulations, but this may change.

4.2 Our own internal legal advice has indicated that there are no formal penalties if the Council does not have an adopted Plan by April 2025. Nor are we aware of any sanctions which are likely to be imposed by the Government. The policies in the Council’s existing Plans will continue to apply, though they will carry less weight in determining planning applications as they age or become inconsistent with national planning policy.

4.3 A £3m budget has been included in the MTFP to fund the preparation of the plan (£750k pa from 2021-22 to 2024-25). Only a small amount of this budget has been spent to date, but this is set to increase significantly in 2022/23 as work on the technical evidence base increases. We think £3m is still a sufficient budget to deliver the Local Plan, but we continue to keep it under review pending future planning reforms.

5. Corporate implications

5.1 There are wide-ranging corporate implications of preparing the Local Plan. In particular, it will help to deliver the key priorities in the Corporate Plan 2020 -2025

on increasing prosperity, strengthening our communities and improving our environment.

- 5.2 It also provides the opportunity to develop the spatial expression of the Council's Vision for Buckinghamshire. Moreover, it provides the opportunity to embed issues of climate change mitigation and adaptation, and sustainability into our planning decisions through the development of new policies and proposals. There may well be implications for the Council's property assets, too.

6. Local councillors & community boards consultation & views

- 6.1 The report highlights that we have undertaken early engagement on the Plan and our report on the responses that we received is published on the Council website [here](#).

7. Communication, engagement & further consultation

- 7.1 The report refers to early engagement already carried out. The Planning Policy team plans to engage further on options for the Plan in the first part of 2023.

8. Next steps and review

- 8.1 To analyse the sites put forward in the various calls for sites, assessing their suitability, availability and deliverability. Not all sites will necessarily be included in the final Plan: this depends on much more work, discussion and engagement with Members, the public and wider stakeholders that will need to happen.
- 8.2 To develop and agree objectives for the Plan; to develop a range of spatial options that will enable the Plan to deliver against these objectives.
- 8.3 To continue to develop the various evidence studies that we need to prepare a sound and legally compliant plan.

9. Background papers

- 9.1 [Buckinghamshire Local Development Scheme](#)
[Statement of Community Involvement](#)

10. Your questions and views (for key decisions)

- 10.1 If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the Cabinet Member to consider please inform the Democratic Services team. This can be done by telephone [] or email []