



Report to Cabinet

Date: 28th July 2020

Title: Buckinghamshire Local Plan

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Ward(s) affected: All

Recommendations:

- 1. That Cabinet notes the current position regarding the scoping work on the Buckinghamshire Local Plan including the broad timetable for its preparation.**

Reason for decision:

This report is to inform members of the early scoping work on the local plan and the broad timetable for its preparation.

Executive summary

The Council has to adopt a new local plan for its area within five years of vesting day. The plan provides an exciting opportunity to shape the future of Buckinghamshire. It is also a timely one, enabling the Council to take forward its priorities and respond to new agendas, such as how we shape our town centres in a post-covid world and address the climate change agenda.

This report provides the background to the preparation of a local plan, including key requirements of Government policy. This report outlines the potential broad timetable for its preparation and the form of the plan. It then outlines a number of issues identified as part of the early scoping work that has been undertaken to date. These issues include challenges in relation to the potential timetable, the scope of the Plan, the opportunities that preparing the plan presents, and the risks associated in a time of national and strategic change in planning generally.

Content of report

Background

- 1.1 Buckinghamshire Council is required under the transitional regulations to have a new local plan adopted within 5 years of vesting day. Although a statutory requirement, it also provides an opportunity for the new council to set out not just how it intends to manage current growth issues, but also address new and emerging agendas.
- 1.2 The Council is faced with a challenging strategic planning agenda – the Oxford to Cambridge Growth Arc, possible Heathrow expansion, East West Rail, possible Expressway, development pressures from surrounding areas including Slough, Milton Keynes and Luton Airport expansion, housing provision in the London Plan, as well as the Government’s overall growth agenda and potential planning reforms. This provides a challenging agenda for preparing a new local plan for a new authority with a population of 546,000.
- 1.3 The National Planning Policy Framework (NPPF) makes clear that the planning system should be genuinely plan-led. It states that:
“Succinct and up-to-date plans should provide a positive vision for the future of each area: a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”¹
- 1.4 The regulations do not prescribe the form of that local plan other than it must cover the whole of the geographic area of the new authority. National planning policy, facilitated by existing planning legislation, sets out a flexible approach to plan making but indicates that plans must include strategic policies to address the priorities for the development and use of land in its area. These can be set out in a local plan for its area or in a joint local plan with other local authorities.
- 1.5 More detailed “non-strategic policies”, which tend to be policies used in day to day development management, can be set out in the same local plan as the strategic policies, or in a separate local plan and/or neighbourhood plans.
- 1.6 This means that there are different potential alternatives to preparing local plans in the new authority whilst complying with both the transitional regulations and existing planning legislation and policy.
- 1.7 The challenges set out above and the flexible approach to being able to deal with them through the Local Plan are overlain with the uncertainty regarding how

¹ NPPF, February 2019, para 15.

things will proceed as the country tries to recover from the economic and social impacts of the coronavirus pandemic.

Plan Making

1.8 The NPPF sets out national policy on preparing local plans, underpinned by primary and secondary legislation, with further more detailed guidance provided by Planning Practice Guidance. Key elements of plan making include that plans should:

- be prepared with the objective of contributing to the achievement of sustainable development (Appendix 1 sets out what the NPPF defines as Sustainable Development);
- be prepared positively – aspirational but deliverable
- be shaped by early, proportionate and effective engagement
- contain policies that are clearly written and unambiguous
- be accessible through use of digital tools to assist public involvement and policy presentation
- serve a clear purpose, including avoiding unnecessary duplication of policies (including with the NPPF).

1.9 Ultimately Local Plans, through their independent examination process, have to:

- be legally compliant, including satisfying the statutory “Duty to Cooperate” in relation to effective cooperation and collaboration on strategic planning matters with other authorities and agencies;
- pass the tests of soundness set out in the NPPF, namely:

***(a) Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed need; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

***(b) Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

***(c) Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*

***(d) Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

What has happened to date?

- 1.10 In autumn 2019 a member task and finish group was established to consider the key issues relating to the future planning service. This considered in broad terms the nature of the new Buckinghamshire Local Plan. It reported to Informal Shadow Executive in November 2019.
- 1.11 The key outcomes from that process are:
- the new local plan should be a strategic, high level document focusing on the key challenges for the area.
 - that Cabinet will establish an informal Member reference group or working party to support the production of the Local Plan.
 - the Bucks Growth Board will also play a key role in shaping and influencing the Local Plan, however accountability for the plan will rest with Buckinghamshire Council
 - corporate high level visioning work should be prepared to set out the Council's ambitions early on, to inform Council strategies generally, including the local plan.
- 1.11 Work on that visioning work is underway, being led by the Economic Growth and Regeneration service, the team that also takes the Council's lead on the Growth Board.
- 1.12 An officer team has been formed to commence the detailed scoping of the Local Plan. The team draws from the 3 existing local plan teams in the Planning and Environment Service, from the Strategic Planning team within the Economic Growth and Regeneration service and the Transport Strategy team. The group will be proceeding on to more detailed project planning, including scoping of evidence base requirements (and its procurement), detailed timetabling, scoping of potential engagement (stakeholders, public and critically the Duty to Cooperate), and consideration of resources. Liaison across different sectors of the Council will be necessary as part of this work.
- 1.13 The key output of this process is the preparation of a Local Development Scheme – a statutory requirement, setting out the scope of the local plan that the Council intends to produce and the timetable for preparation. Cabinet will be asked to agree this document later in the year.
- 1.14 In addition, a new Buckinghamshire Statement of Community Involvement (SCI) will need to be prepared. This statutory document will set out not just how the Council intends to engage with the public and stakeholders in preparing the Local Plan but also in the development management process and the Council's role in

relation to neighbourhood plans. Public consultation on a draft SCI is not required by statute, but may be desirable.

Issues at this stage

(a) Timetable

1.15 Set out below is a broad timetable for the preparation of the Plan considered as part of early discussions:

Timing	Stage/Milestone	Main elements/Comments
Jul-Dec 2020	Scoping/early discussions and preparation	Scoping/project planning Agree Local Development Scheme Preparation of Statement of Community Involvement Corporate development of Vision Early engagement – issues, ambitions etc Call for sites Scoping/early engagement on Duty to Cooperate Commence evidence procurement
2021 to early 2022	Evidence gathering	Evidence gathering Duty to Cooperate
Spring 2022	Main Consultation/Engagement Phase	Consultation phase Duty to Cooperate
Spring 2023	Consultation on Proposed Submission Plan	This is the statutory Regulation 19 stage – this is the Plan that is then submitted for formal public examination Completion of Duty to Cooperate
Summer 2023	Submission of Plan for Examination	
Summer 2023 – Autumn 2024	Examination	By an independent planning inspector
End 2024	Adopt the Plan	

- 1.16 This timetable would ensure adoption of the Plan within 5 years. Officers will now review this timetable in more detail as part of the project planning exercise and the outcome of this will be reflected in the Local Development Scheme later in the year.
- 1.17 Although 5 years appears to be a long time, experience from local plan preparation across the former authorities and elsewhere shows that this will be a challenge. The consequence of not adopting a new Local Plan within 5 years are not clear, although the Government do have intervention powers. Key challenges in relation to the timetable include:
- the ongoing work on the existing local plans and supporting neighbourhood planning
 - sequencing in relation to key external factors – e.g. Oxford to Cambridge Growth Arc, the timing of updates to the Government’s local housing need methodology etc.
 - timely compliance with the Duty to Cooperate – there will be a large number of local authorities with which the Council will have to cooperate and seek statements of common ground, and they will want us to cooperate on their plans.
 - the nature and extent of public consultation – clarity on this is very important.
 - the fact that once the Plan is submitted the Council does not control the process or the timetable.
- 1.18 It should be noted that the Government has indicated that they want all local planning authorities to have up to date local plans by the end of 2023. They have not specified what they mean by that, or whether the current round of Plans under preparation would satisfy that requirement. Nevertheless it is difficult to see how this would override the pre-existing statutory requirement to prepare a Buckinghamshire Local Plan within 5 years of vesting day.

(b) Scope of the Plan

- 1.19 Early discussions about the Plan indicated that it should be a strategic plan. The alternative would have been to produce a detailed plan covering strategic growth issues, detailed allocations and development management policies, which would be unlikely to have been delivered in the timescale available.
- 1.20 As such it is suggested that a strategic plan is prepared. Further advice will be taken on the precise form of the plan and the scoping exercise will propose a more detailed potential contents list for consideration. Members will be updated on this in due course. However, as a minimum it will need to set the vision and objectives for growth, the quantum of growth and identify directions and broad areas for growth, and provide a set of strategic policies to guide development and subsequent non-strategic plans. A number of issues and challenges come out of this:

- where and when does the detail follow, particularly the allocation of sites and the updating of development management policies?
- what is the relationship between the new Plan and neighbourhood plans? How does the Plan provide the strategic framework for neighbourhood plans, including housing requirements for neighbourhood areas²
- whether the Plan should specifically allocate (i.e. precise lines on a plan) major growth areas (e.g. major urban extensions, new settlements) or leave the detailed allocation to subsequent plans
- what is the timescale for the Plan? – the Oxford to Cambridge Growth Arc, Milton Keynes and the Oxfordshire authorities are looking to 2050. Much of the growth up to 2035 would hopefully be accommodated in existing Plans, suggesting a Phase 1 to 2035 and a Phase 2 for 2035-2050. However this issue will need further careful consideration.
- Ensuring that a strategic plan has some local expression

1.21 In relation to the first two points, the detail could follow in non-strategic (but still statutory) plans. These could include:

- an Allocations Local Plan – allocating sites in accordance with the strategic direction set by the Strategic Plan
- Area Action Plans – statutory plans that allocate and set out how a specific growth area (e.g. potential new settlement) should be delivered. This could sit alongside an Allocations Local Plan
- A Development Management Policies Local Plan – providing a Buckinghamshire-wide set of development management policies.
- Detailed policies and allocations in neighbourhood plans.

Whilst all the above could be accommodated in one detailed plan, there may be benefit in splitting them into more than one plan, so if one element is delayed, the other elements can progress.

1.22 Understanding the degree to which neighbourhood plans can provide more detailed policy and allocations will be important before progressing to the non-strategic stage. The likelihood is that there will be significant gaps in neighbourhood plan coverage across Buckinghamshire, with much of the south area in particular being without neighbourhood plans, or any intent from parishes to prepare one. Non-strategic local plans prepared by the Council will need to fill the gaps, and the Strategic Local Plan will need to consider carefully what framework it provides for both neighbourhood plans and non-strategic local plans.

² NPPF para 65 states that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and relevant allocations

1.23 Further consideration of these issues of scope and the role of other statutory local plans and neighbourhood plans will be considered as part of the ongoing scoping work.

(c) An opportunity to innovate

1.24 The preparation of a new local plan for a new authority provides the opportunity to do things differently, to innovate. This could include:

- How we engage with communities and stakeholders
- The format, conciseness and accessibility of what is produced
- How we address new issues and agendas in the content of the Plan. This could include how we build in greater flexibility/ability to react to unforeseen circumstances, such as Covid 19.

(d) All Change?

1.25 The one thing we can expect during the course of preparing the Local Plan is change. This will include change to the strategic context of what is going on in the surrounding area.

1.26 At a national level, the Government is due to consult later in the year on a new methodology for calculating local housing need which is a critical starting point for plan preparation. More fundamentally, a Planning White Paper is due to be published soon which could bring significant reforms to plan making and the latest reporting of the White Paper suggests it could be quite radical and far reaching.

2. Other Options Considered

2.1 There is a statutory requirement to prepare and adopt a Buckinghamshire Local Plan within 5 years. As such it is not a realistic option to not prepare a plan. As part of the more detailed scoping and development of the project, different options around the form and broad content of the Plan will be developed. The preparation of the Local Plan itself will nevertheless require consideration of different options or “reasonable alternatives” and these will have to be assessed through a sustainability appraisal process.

3. Legal, Financial and HR Considerations

3.1 Legal – the requirement to prepare a local plan covering the whole authority area is set out in Regulation 19 of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (as amended). The main statutory requirements in relation to preparing a local plan are set out in the Planning and Compulsory Purchase Act (2004) (as amended) and the Town and Country Planning

(Local Development)(England) Regulations (2012) (as amended). The Plan must also be consistent with national planning policy.

- 3.2 Finance - The development of the Local Plan will incur costs of technical work from consultants as part of the evidence base for the plan, public consultation and engagement, legal advice and the cost of the planning inspector for the examination process. The more detailed project planning work will consider these costs in more detail. £750k per annum, for 4 years, has been set aside in the MTFP for 2021/22 to 2024/25, a total of £3m, for the development of the local plan. Any costs needing to be incurred in 20/21 will be initially met from reserves, and then 'paid back' in future years from the £3m budget (i.e. we will use existing reserves to help smooth timing/profile differences).
- 3.3 Human Resources – the Planning and Environment service has been identified as a service to undergo transformation in this current financial year. Due consideration will be given to the transformation process to ensure minimal disruption to the delivery of the local plan.

4. Corporate implications

- 4.1 The Buckinghamshire Local Plan will be an important Council strategy helping to deliver all of the four priorities of the Corporate Plan, but particularly Strengthening our Communities, Improving our Environment and Increasing Prosperity.

5. Consultation and communication

- 5.1 No external consultation or communication is required at this stage. However the consultation and engagement programme for the Plan is an important part of the scoping and project planning exercise.
- 5.2 An early stage of engagement will be to consider the key issues, challenges and ambitions for the new plan to address. With this in mind, it is suggested that some sort of "market stall" interactive event be planned for later in the year, for all members to attend to explore the issues, challenges and ambitions.

6. Next steps and review

- 6.1 The next steps are to undertake more detailed scoping and project planning.

7. Background papers

- 7.1 National Planning Policy Framework (NPPF)(February 2019)

<https://www.gov.uk/guidance/national-planning-policy-framework>

Appendix 1 NPPF Definition of Sustainable Development

The NPPF explains that: *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).*

- *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”³*

³ Paragraph 8 National Planning Policy Framework (Feb 2019)