



# Report to Growth, Infrastructure and Housing Select Committee

**Date:** 26<sup>th</sup> November 2020

**Title:** Local Plan Update

**Relevant councillor(s):** Cllr Warren Whyte

**Author and/or contact officer:** Ian Manktelow

**Ward(s) affected:** All

**Recommendations:**

- 1. To note the position with regard to current Local Plans in Buckinghamshire and the broad approach to preparing the new Buckinghamshire Local Plan***

**Reason for decision:**

To update the Committee on the position with regard to current and future Local Plans in Buckinghamshire.

Executive summary

- 1.1 This report updates the committee on the progress with completing the current round of local plans in Buckinghamshire that were commenced by the legacy authorities. It also sets out the position with the new Buckinghamshire Local Plan, particularly in the light of the changes to the local plans system set out in the recent Government Planning White Paper.

Content of Report

**Update on Current Local Plans**

- 1.2 The existing adopted local plans covering the Buckinghamshire area were automatically transferred to Buckinghamshire Council on vesting day and remain extant for decision making until such time as they are replaced. In addition the

Council has taken forward the work of the legacy councils on the current local plans in preparation. The position in relation to each of them is set out below:

#### Vale of Aylesbury Local Plan (VALP)

- 1.3 The VALP is currently being examined by the independent planning inspector. In November – December 2019 consultation was undertaken on proposed main modifications to the Plan. These are changes that the Inspector considers necessary to make the Plan ‘sound’ and hence capable of being adopted. Around 800 representations were received to these proposed main modifications. The Council was asked by the Inspector to respond to those representations and the Council has submitted the vast majority of its responses to the Inspector and these will be put on the website when he has received all the responses. The Inspector is currently considering the representations on the proposed main modifications and the Council’s responses so far.
- 1.4 As a result of considering the representations, some further proposed main modifications to the Plan are due to be consulted on as soon as practicable. The Inspector will then need to consider representations on those further main modifications and will then decide whether to hold any further hearing sessions before finalising his report and recommendations. A link to the latest note from the Inspector on the next steps for the VALP examination is included in the Background Papers section below. To adopt the Plan, the Council will have to accept any main modifications recommended by the Inspector in his report. Subject to the Inspector’s report, the Plan should proceed to adoption during 2021.

#### Buckinghamshire Minerals and Waste Local Plan

- 1.5 The Plan was adopted in July 2019.

#### Chiltern and South Bucks Local Plan

- 1.6 The Plan was withdrawn by the Council at its meeting on 21<sup>st</sup> October 2020 and the formal notice of withdrawal has been published on the Council’s website. The current plans in force for the area are the separate Core Strategies for Chiltern and South Bucks and the older Local Plans for the two areas.

#### Wycombe District Local Plan

- 1.7 The Plan was adopted in August 2019. It was then the subject of two legal challenges to the adoption of the Plan. The first of these did not progress to a High Court hearing, but the challenge by residents group Keep Bourne End Green (KBEG) was considered at a two day virtual hearing in the High Court in June 2020. The judgment issued towards the end of July 2020 dismissed the claim on all grounds. KBEG

subsequently sought permission for the case to be heard in the Court of Appeal, but permission for this was refused at the beginning of November.

### **Buckinghamshire Local Plan**

- 1.8 Buckinghamshire Council is required under the transitional regulations to have a new local plan covering the whole of the authority area adopted within 5 years of vesting day.
- 1.9 In August, the Government published the Planning White Paper (PWP) and also a consultation on changes to the current planning system. The latter included a consultation on a revised standard methodology for determining “local housing need”. The Council has responded to both those consultations.
- 1.10 The PWP will change the scope of the new Local Plan from the more “strategic” plan envisaged in a report on the new plan to Cabinet in July this year, to a map based plan that identifies in detail Growth Areas, Renewal Areas and Areas for Protection. This new style of plan would need to be prepared in a shorter timescale, between 30 and 42 months from when any new legislation comes into force.
- 1.11 The Planning White Paper has far reaching implications for the content of local plans, the way they are prepared and the timing of what may be done and when. Given the uncertainty over what will appear in the final legislation and associated new national policy and guidance, there are significant risks to the process, notably the risk of undertaking abortive and costly work that needs to be re-done when there is greater clarity.
- 1.12 As such, a view has to be taken on what can be progressed now, and what should be delayed to gain greater clarity. It’s not yet clear when we can expect further guidance.
- 1.13 In terms of the broad programme going forward, it seems likely that the earliest that primary and secondary legislation could be in place might be the end of 2021 or perhaps more realistically early 2022, although this is no more than speculation at this stage. As such a statutory timetable of 30-42 months would suggest completion of the Plan towards the end of 2024 or early 2025.
- 1.14 The PWP sets out the following main stages for preparing a local plan:

- Stage 1 – a call for suggestions for Growth Areas, Renewal Areas and Area for Protection
- Stage 2 – Plan proposals are drawn up
- Stage 3 – Plan is submitted for examination by an Inspector and consulted on at the same time
- Stage 4 – Examination by Inspector
- Stage 5 – Plan Finalised

1.15 In the shorter term, work areas are being identified that we can start soon, at relatively low risk, whilst others will need to wait for new national policy and guidance before we can be confident that we are able to start substantive work without risking having to re-do that work.

1.16 A member working party has been established to help guide the preparation of the Plan. In addition, all member briefing sessions are programmed for 10<sup>th</sup> December to update members on current plans and the new Local Plan. This Select Committee will be able to scrutinise the preparation of the Local Plan at important stages in its preparation.

1.17 The Council has to publish a Local Development Scheme setting out what plans it intends to prepare in the coming 3 years, their scope and the timetable for their preparation. It will also need to set out an anticipated timetable for the completion of the Vale of Aylesbury Local Plan. The Buckinghamshire Local Development Scheme will be considered by Cabinet shortly.

### Other options considered

1.19 Not applicable.

### Legal and financial implications

1.20 Legal – the legislation and associated policy and guidance for preparing local plans is highly likely to change within the next 12-18 months. This creates significant uncertainty and risk at present in the preparation of the new Local Plan. The Council will need to be prepared to respond to and adjust its approach, as greater clarity emerges. Members will be updated as soon as practicable once further legislation and/or government guidance is received.

1.21 Finance - The development of the new 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). Although an indicative phasing of that budget has been provided as part of the MTFP process, this will need to be kept under review in the light of the emerging national picture.

- 1.22 The report outlines that there are risks of proceeding with some areas of work in advance of there being greater clarity from Government. There would be a substantial impact on the budget if work was proceeded at significant risk and then had to be re-done to accord with new legislation, policy or guidance.

### Corporate implications

- 1.23 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.

### Consultation and communication

- 1.24 At this stage no consultation has been undertaken.

### Next steps and review

- 1.25 This report is for information at this stage. Further reports will be brought to this Select Committee at important stages in the preparation of the Plan.

### Background papers

Planning White Paper (August 2020)

Report to Cabinet 28<sup>th</sup> July 2020, re Buckinghamshire Local Plan

Link to the latest correspondence from the Inspector on the next steps for the VALP examination (29<sup>th</sup> October 2020)

<https://www.aylesburyvaledc.gov.uk/examination-aylesbury-vale-local-plan-2013-%E2%80%93-2033>

Link to Buckinghamshire Council's response to the Government's consultation on the Planning White Paper

<https://www.buckinghamshire.gov.uk/news/buckinghamshire-council-asks-government-think-again-planning-reforms/>