



# Report to Cabinet

**Date:** 15<sup>th</sup> December 2020

**Title:** Buckinghamshire Local Development Scheme

**Relevant councillor:** Councillor Warren Whyte

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**Wards affected:** All

**Recommendation:**

**To agree the Buckinghamshire Local Development Scheme included at Appendix A.**

**Reason for decision:**

To enable the Buckinghamshire Local Plan to be progressed and to meet the statutory requirement to prepare a Local Development Scheme.

## Executive summary

- 1.1 The Council is required to publish a local development scheme setting out what local plans it intends to prepare, their scope and timetable for preparation. Appendix A sets out the Buckinghamshire Local Development Scheme for approval, indicating the Council will prepare the Vale of Aylesbury Local Plan and the Buckinghamshire Local Plan.
- 1.2 The anticipated timetable for the completion of the Vale of Aylesbury Local Plan is set out in the Local Development Scheme although this is dependent on whether the Inspector decides to hold further hearing sessions and how long it will take for the Inspector to complete his report.
- 1.3 In August, the Government published the Planning White Paper (PWP). The consequences of this will completely change the approach and programme for the Buckinghamshire Local Plan, which was previously set out in a report to Cabinet in July. Fundamentally the PWP changes the scope of the Plan from the more “strategic” plan envisaged in the July Cabinet report to a map based plan that identifies in detail “growth areas, renewal areas and areas for protection”. This would need to be prepared in a shorter timescale.

- 1.4 Continuing to prepare the Buckinghamshire Local Plan on the basis of the existing local plans system and not having regard to the emerging changes to the planning system is not considered to be a realistic option. There is however uncertainty over when the legislation for the new local plans system will come in and what that legislation and associated national policy and guidance will be. As such it is not appropriate at this stage to set out a detailed timetable – the Local Development Scheme therefore just sets out the main stages that we will follow. This will need to be reviewed when there is greater clarity.

## Content of Report

- 1.5 The Council is required to prepare a Local Development Scheme (LDS) setting out the local plans it intends to prepare over the next 3 years, their scope and timetable for their preparation. This means setting out plans that we are currently preparing, namely the Vale of Aylesbury Local Plan (VALP), and the plans we intend to prepare over the next three years, namely the Buckinghamshire Local Plan.

- 1.6 The proposed Buckinghamshire Local Development Scheme is set out at Appendix A.

### **Vale of Aylesbury Local Plan**

- 1.7 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.

- 1.8 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.

- 1.9 The proposed Local Development Scheme sets out the final stages of the process for preparing the VALP. The timings are dependent on whether the Inspector decides to hold further hearing sessions or not and the time it takes for him to finalise his report.

### **Buckinghamshire Local Plan**

- 1.10 On 28<sup>th</sup> July Cabinet received a report on the new Buckinghamshire Local Plan. This outlined:

- The statutory and national policy basis underpinning local plans
- Key strategic issues for the new plan
- A potential timetable for its preparation
- The potential scope of the plan

- 1.11 In relation to the scope of the Plan, the report suggested that the plan should be strategic in nature, identifying areas or broad locations and directions for growth, but that detailed site allocations might be dealt with in subsequent documents.
- 1.12 At the beginning of 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”. Members have been briefed on these proposals and the Council has agreed responses to both consultations. Officers have been reviewing the implications of the Planning White Paper for the new Buckinghamshire Local Plan.

#### Planning White Paper and Implications for the Buckinghamshire Local Plan

- 1.13 The Planning White Paper (PWP) 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.
- 1.14 As such, a view has to be taken on what can be progressed now, and what should be delayed to gain greater clarity. However, continuing to prepare the Local Plan on the basis of the existing local plans system and not having regard to the emerging changes to the planning system is not considered to be a realistic option.
- 1.15 In summary, the implications of the White Paper and how they should be dealt with in the Plan, are summarised below:

##### Plan Content

- The PWP will change fundamentally the nature and scope of the Plan to a map-based Plan setting out in detail growth areas, renewal areas and areas for protection. It effectively becomes a plan that will allocate sites rather than be a strategic level plan. Once allocated within the plan, sites will be deemed to have outline planning permission and the Plan will need to set out sufficient detail about the requirements for those sites to secure high quality development and infrastructure provision. Detailed “generic” development management type policies are likely to be excluded from the Plan.
- Given the changing nature of the Plan it is suggested that the Plan looks ahead to at least 2040 in terms of its “plan period” – the period for which it is meeting development needs. It should be recognised that there is potential that some development areas identified in the Plan may extend well beyond 2040 before being completed due to lead in times and build rates.

##### Strategic Engagement

- The statutory “Duty to Cooperate” will be abolished. Whilst it is not clear what will replace it, some form of strategic engagement and cooperation across local authorities and with key agencies will still be required and work on this can take place in advance of the new system being firmed up.

## Timescales

- The timescales for preparing a Plan have been “squeezed” to between 30 and 42 months. It will not be possible to formally start those stages of the process in advance of the legislation coming into force. Once it does come into force, the timescales are challenging.

## Evidence

- 1.16 There are some areas of work that we can start soon, at relatively low risk, and others that 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.

## Digital Plan

- 1.17 The PWP wants to see Local Plans to be digitally driven. We have put the Council forward to MHCLG to be considered as a local plan digital pilot project and this has been very positively received by MHCLG.

## Potential Programme

- 1.18 The PWP is proposing that authorities be required to prepare a plan from start to finish within a statutory 30 month period. Those authorities that have recently adopted or submitted a plan are allowed an extra 12 months’ - i.e. 42 months all together.
- 1.19 The Aylesbury Vale and Wycombe legacy authority areas would qualify for the 42 month timescale, but it is not clear at this point what the status of the Council would be following the withdrawal of the Chiltern and South Bucks Local Plan. In addition, the statutory instrument that brought the Council into being requires the Council to have an up to date plan within 5 years of vesting day. Clarity on the relationship between these different potential timings is being sought. What is clear is that the Government expects authorities to continue to make progress with plan-making.
- 1.20 We are proposing a six-stage process for the Plan project. This includes a ‘stage 0’ which aims to prepare as much ground as we can before new legislation comes into force. Stages 1-5 are the stages set out in the Planning White Paper for preparing local plans. The stages are:
- Stage 0 – Pre-Legislation preparatory work
  - Stage 1 – Plan Shaping – call for suggestions for sites/areas
  - Stage 2 – Plan Preparation – including evidence gathering and preparing the plan itself
  - Stage 3 – Submission and Consultation
  - Stage 4 – Examination
  - Stage 5 – Plan Finalised
- 1.21 At present we have no clear indication of when the legislation will commence and hence when the statutory period will begin. Such fundamental changes to the planning system will require both primary and secondary legislation to be passed through Parliament. It is highly likely that these will be accompanied by a revised National Planning Policy Framework (NPPF) and supporting planning practice guidance. All this

will take time and we also wait to see how the Government will respond to the recent consultation on its planning reforms. We speculate that the earliest that legislation might come in is late 2021, or, more realistically, Spring 2022.

- 1.22 Given this uncertainty it is not appropriate to set out a specific timetable in the Local Development Scheme for the preparation of the Local Plan, but just the stages that we are likely to follow. The Local Development Scheme can be reviewed at any time, and it will be necessary to review it when we have clarity over when the legislation comes into force and what the legislative and policy requirements are at that time.
- 1.23 In the short term there are a number of areas of work that can be progressed over the next 12 months or so that are at less risk in this period of uncertainty. This includes:
- Strategic engagement with other authorities and agencies and early engagement with town and parish councils
  - Evidence gathering, including constraints mapping, reviewing brownfield site opportunities (including town centre regeneration opportunities), where it is not reliant on new Government policy and guidance
  - Stakeholder and community engagement on issues and ambitions
  - Firming up Plan ambitions/objectives

#### Other options considered

- 1.24 The alternative option considered was to progress the preparation of the Local Plan under the current legislation. This may enable more progress to be made earlier on in preparing the Plan based on current legislation and national policy/guidance. However, the timescales previously set out for such a Plan in the report to Cabinet in July 2020 would mean that the process would almost certainly be overtaken by the introduction of the new planning system, including new legislation and revised national policy and guidance. The Planning White Paper indicates that it expects to see “new style” local plans to be in place by the end of the current parliament (i.e. December 2024). As such that early work would be abortive, costly and would ultimately significantly delay bringing forward a new local plan.

#### Legal and financial implications

- 1.25 Legal – Section 15 of the Planning and Compulsory Purchase Act (2004) requires the Council to prepare a Local Development Scheme. 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, outlined in this report, as greater clarity emerges. Members will be updated as soon as practicable once further legislation and/or government guidance is received and at the appropriate time the Local Development Scheme will need to be reviewed. Regulation 19 of The Local Government (Structural Changes)(Transitional Arrangements) (No.2) Regulations 2008 also requires the Council to adopt a local development document to apply to the whole of its area within a period of five years from the reorganisation date.

- 1.26 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). 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.
- 1.27 The report outlines the risks of proceeding with certain areas of work, particularly many elements of the likely evidence base for the Plan, in advance of there being greater clarity from Government and outlines a way forward on how to manage that risk. 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

- 1.28 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

- 1.29 At this stage no consultation has been undertaken. The report indicates that early engagement will take place over the next 12 months.

### Next steps and review

- 1.30 The Council will proceed with completing the VALP and undertaking early work on the Buckinghamshire Local Plan. The Local Development Scheme can be reviewed at any time, and will need reviewing once we have clarity over when the legislation introducing the new local plans system comes into force and what the legislative and policy requirements are at that time.

### 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/>

## Appendices

### Appendix A - Buckinghamshire Local Development Scheme

#### Your questions and views (for key decisions)

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 emailing [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).

