

Harborough District Council



Report to Communities Overview and Scrutiny Panel Meeting of 16 November 2023

Title:	Local Plan timetable (Local Development Scheme / LDS) and Issues and Options consultation (Regulation 18).
Status:	Public
Key Decision:	No
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Portfolio Holder:	Planning Portfolio, Councillor Galton
Appendices:	A. Local Development Scheme B. New Local Plan Issues & Options consultation document

Summary

- i. The timetable for the preparation of the local plan is set out in the Local Development Scheme ('LDS'). The current LDS was published in July 2022 and is now out-of-date and requires updating. The updated LDS (Appendix A) updates the timetable and provides clarity to stakeholders on key milestones.
- ii. The first public stage in preparing the new local plan for submission for examination is the Issues and Options consultation – this is also known as the 'Regulation 18' process. The draft consultation document (Appendix B) sets out key planning issues and asks for feedback through a number of consultation questions. This feedback will inform later stages of plan making.

Recommendations

- 1) To comment on the proposed updated Local Development Scheme.
- 2) To comment on the scope of the first public consultation on the new local plan (known as the Issues and Options or 'Regulation 18' consultation).

Reasons for Recommendations

- i. The planning system is plan-led. This means that planning applications must be considered and determined in accordance with the development plan unless

material considerations indicate otherwise. The development plan should therefore be kept up to date.

- ii. Preparation of the local plan is a corporate priority and will help to deliver against a number of further corporate priorities.
- iii. The Council is required to retain an up-to-date Local Development Scheme. Publication of the revised Local Development Scheme provides clarity and confirmation to a range of stakeholders of the Council's intended timescale to submit its local plan for examination.
- iv. The Levelling Up and Regeneration Act 2023 ('LURA') has changed the statutory framework for the 'making' of local plans. It provides for a period of transition for local authorities who have been progressing preparation of their local plan to the preceding regime. The transition period requires the Council to submit its local plan for examination by 30 June 2025 – the date in the existing LDS. To achieve that deadline, the Council needs to progress the preparation of the new local plan. The updated timetable is set out within the draft Local Development Scheme (Appendix A).
- v. The Issues and Options consultation (Appendix B) is an important first public stage in preparing the new local plan. It seeks feedback on significant issues, which will inform future stages of preparation of the local plan.

1. Purpose of Report

- 1.1 This report proposes that the Council update its Local Development Scheme as set out at Appendix A, and sets out the proposed contents of the first public consultation on the new local plan as set out at Appendix B.

2. Background

- 2.1 In England there is a 'plan-led' approach to the regulation of land and development which places local plans at the heart of the town and country planning system. A local plan forms part of the statutory 'development plan' for an area and is the starting point for the determination of all planning applications in the area unless material considerations indicate otherwise.
- 2.2 The 2004 Planning and Compulsory Purchase Act places a duty on local authorities to carry out plan-making with the "objective of contributing to the achievement of sustainable development" while the Planning Act 2008 puts an additional obligation on plan-making authorities to ensure their development plan documents (taken as a whole) include policies that are "...designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change."
- 2.3 Chapter 3 of the National Planning Policy Framework ('NPPF') sets out the requirements that planning authorities are expected to comply with when preparing a local plan, stating at paragraph 16 specifically that plans should:

- a. be prepared with the objective of contributing to the achievement of sustainable development;
- b. be prepared positively, in a way that is aspirational but deliverable;
- c. be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
- d. contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
- e. be accessible through the use of digital tools to assist public involvement and policy presentation; and
- f. serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

2.4 The Harborough Local Plan was prepared and subsequently adopted in April 2019. It replaced the previous Harborough District Core Strategy adopted in 2011. The adopted plan provides at Policy IMR1 that:

“2. A full or partial update of the Local Plan will be commenced (defined as the publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) within 6 months of the following:

- a. the adoption by the Council of a Memorandum of Understanding (MOU) or Statement of Common Ground (SoCG) which proposes a quantity of housing or employment development to 2031 that is significantly greater than the housing requirement or employment need identified in this Local Plan; or
- b. in the absence of an adopted MOU or SoCG, 12 months from the date of publication of a Local Plan for Leicester City (defined as publication of an invitation to make representations in accordance with Regulation 19 of the Town and Country (Local Planning) (England) Regulations 2012) (‘a Regulation 19’) that includes satisfactory evidence of an unmet local housing need; or
- c. conclusion of a review in response to specific trigger points as set out in the monitoring framework, including identification of significant and persistent shortfalls in the delivery or supply of housing against the housing requirement.

3. Any full or partial update of the Local Plan triggered by 2. above will be submitted for examination within 30 months from the date it commenced.”

2.5 Whilst the current local plan remains up to date, the trigger set out at 2(b) above has been activated as a consequence of Leicester City Council publishing a Regulation 19 on 16 January 2023. This means that the Council must commence a full or partial update of its local plan in accordance with the Regulation 18 provisions. This accords with a decision by Cabinet in July 2021 to begin the preparation of a new local plan. A new local

plan is beneficial to provide long term certainty, allocate development in sustainable locations and protect important natural spaces and built heritage.

- 2.6 An integral part of the preparation of a new local plan is the formulation of a Local Development Scheme (LDS). The LDS sets out the timetable / route map for the preparation of the new Local Plan. The timetable identifies key dates and public consultation stages as well as outlining the subject matter and geographical extent of the plan. By preparing and publishing the LDS, key stakeholders such as the local community, neighbouring authorities, infrastructure providers and developers can be informed when they can contribute to planning policies for the district. The LDS is also an opportunity to provide information on any Supplementary Planning Documents (SPDs) adopted by the Council. Supplementary Planning Documents (SPDs) provide additional information on policies and proposals in a local plan and are a material consideration in the determination of planning applications.
- 2.7 The long anticipated Levelling Up and Regeneration Act 2023 ('LURA') has introduced a revised statutory framework for the 'making' of local plans. However, to ensure that work undertaken by local authorities is not abortive, the legislation also provides for a period of transition. This means that local authorities who have been progressing preparation of their local plan to the preceding regime can, within a set period, still rely on the work they have done to date. The transition period is currently expected to end by 30 June 2025 ('the Transition Date') – the date in the existing LDS.

3. Details.

Local Development Scheme

- 3.1 The Council is required to keep under review the key milestones in the timetable within the LDS; some changes in context, especially at sub-regional and national level, may be driven by circumstances beyond the authority's control.
- 3.2 The Council's existing LDS provides that the Council will submit its local plan for examination by 30 June 2025. This date is not changing. However, the timetable within the existing LDS requires updating to reflect that the Council will be issuing the Regulation 18 issues and options consultation slightly later than anticipated.
- 3.3 The proposed updated LDS meets the requirements of Local Plan Policy IMR1 and will facilitate a new local plan being submitted for public examination by 30 June 2025. The re-profiled timetable for the preparation of the local plan outlined in the proposed LDS (see Figure 1) takes into consideration both the national and local planning policy context, including:
- 3.3.1 preparation of the Harborough Local Plan 2011-31:
- 3.3.1.1 Local Plan Background work on the currently adopted Local Plan begin in 2012, in response to legislative and national planning policy changes in 2012.
- 3.3.1.2 Options for the current adopted plan were consulted upon in 2015 (Regulation 18), the Proposed Submission consultation was conducted in 2017 (Regulation 19) and then submitted for Examination in March 2018, and finally adopted on 30 April 2019.

- 3.3.1.3 The adopted local plan will be 5 years old on 30 April 2024. Reviews at least every five years are a legal requirement for all local plans¹. Therefore, from 30 April 2024 the adopted local plan will be open to challenge, unless a Regulation 18 consultation has been conducted.
- 3.3.1.4 A Review of the Local Plan in July 2021 concluded that work should begin on preparing to update the Local Plan, in light of high levels of unmet housing need having been identified in Leicester City under the government's revised standard methodology for calculating local housing need and the associated conditions set out in Policy IMR1 (see paragraph 2.4).
- 3.3.2 Leicester City Council's emerging local plan:
 - 3.3.2.1 Unmet housing need identified in the Leicester City Draft Plan Consultation (Sept 2020)
 - 3.3.2.2 A Pre-submission Consultation (Regulation 19) was opened from 16 January to 27 February 2023.
 - 3.3.2.3 Proposed Submission Plan was submitted to the Secretary of State, for Examination on 26 September 2023.
 - 3.3.2.4 A Statement of Common Ground, dated June 2022, has been drawn up to agree the level of unmet housing need and how this can be sustainably redistributed across neighbouring Leicestershire planning authorities, as required by the Duty to Cooperate. To date, six out of the eight neighbouring local planning authorities to Leicester City have decided to Approve the apportionment of unmet housing need as set out in the Statement of Common Ground.

Stage	2023				2024												2025												2026												
	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
Issues and Options consultation (Regulation 18)																																									
Proposed Submission Consultation (Regulation 19)																																									
Submission for Examination																																									
Local Plan Adoption*																																									

Figure 1: An illustration of the reprofiled timetable for local plan preparation, with key project milestones indicated on a calendar; Issues and Options consultation (Jan-Feb 2024), Proposed Submission consultation (Jan-Mar 2025), Submission for Examination (May-Jun 2025), and Adoption from mid-late 2026.

3.4 In the event that the Council is unable to submit its plan for examination by the transition date, it will be required to comply with the plan making arrangements set out within the LURA. The new plan-making system removes local authority controls for deciding when a new local plan should be commenced. This means that even if Council's monitoring indicators highlight that there is a need to start preparing a new local plan, the project will not be officially initiated until the Council receives confirmation it can proceed from

¹ Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012

central government. It is proposed that Councils will be grouped or 'batched' according to their plan-making track record and adoption date of their last adopted local plan. The government intends to ensure that the first 'batch' of local plans to be prepared under the new system will comprise authorities without a current adopted plan. Future 'batches' of authorities will be instructed to commence local plans chronologically, according to past local plan adoption dates (in order of oldest to newest). In view of Harborough District Council's strong track record of local plan preparation and adoptions, and strong track record of housing delivery, it is anticipated that the Council is unlikely to be asked to prepare a new local plan until 2027.

- 3.5 The Government has indicated that it will introduce protections for plans which become more than five years old during the first 30 months of the new system (i.e. between 1 July 2025 and January 2028 if the transition date is not altered). This protection is intended to reduce speculative development. This protection would not however apply to the Council's plan as it was adopted on 30 April 2019. It will therefore be more than five years old (and therefore out of date) and remain out of date until replaced by a new local plan.
- 3.6 The re-profiled LDS timetable set out at Appendix A will enable a new plan to be submitted for public examination under the current plan-making system as anticipated by 30 June 2025. A thorough and comprehensive project management led approach has been put in place to mitigate any such circumstances as much as possible.
- 3.7 Failure to submit the local plan for examination by 30 June 2025 may lead to the Council having an out of date local plan and no statutory protection until 2029 or 2030 because of the impact of LURA. That would place the district at considerable risk of speculative development over a period of several years and is not recommended.

Issues and Options Consultation

- 3.8 The Issues and Options or Regulation 18 consultation is the first formal public consultation on the new local plan. Its purpose is to begin a public conversation about what the local plan should contain and the kind of place Harborough should be in the future. The consultation is aimed at :
- residents of, and visitors to Harborough;
 - people who work and do business in the district
 - wider stakeholders including Parish Councils, resident groups, interest groups, infrastructure and utility providers, developers and those with an interest in the district; and
 - neighbouring authorities and other public bodies.
- 3.9 The Regulation 18 consultation document seeks views on a number of planning issues and proposed options for the future development of the district. Each key planning issue is introduced with relevant background information and policy explained before a proposed approach or set of proposed options outlined. Comments and feedback is sought through a number of detailed questions relating to each key issue. The issues for inclusion have been identified through engagement with the Local Plan Member Advisory Panel, through a review of national planning policy and also address the key objectives of the Council and include:

- Homes (including affordable homes and specialist homes and accommodation types);
- Jobs;
- Protection of green spaces;
- Good design;
- Climate change;
- Flood risk;
- Water supply and waste management;
- Biodiversity and geodiversity;
- Heritage;
- Healthy communities;
- Natural spaces;
- Open spaces, sport and recreation;
- Town centres
- Tourism.

3.10 Consultation responses will inform the next version of the local plan, which will include more detail, including draft policies and proposals relating to specific areas of land. The draft local plan will be the subject of further public consultation ('Regulation 19 consultation') before being submitted to the Secretary of State for public examination by the Planning Inspectorate. The examination stage will test whether the plan has been prepared in accordance with the relevant legislation and whether it meets the Tests of Soundness. One of the legal tests it must pass, is that the plan has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012), which require public consultation; the first of which is the current consultation, in accordance with Regulation 18.

4. Implications of Decisions

Corporate Priorities

- 4.1 Preparation of the new local plan will aid delivery of the following corporate priorities:
- CO1: There will be an adequate supply of housing to meet local needs across all tenures and price ranges, and reducing the potential for homelessness
 - CO2: Our local plan will ensure growth in the area is balanced with employment opportunities and transport and infrastructure needs are met
 - CO3: The rural nature of the district will be recognised, and our heritage and cultural assets are preserved
 - CO4: Our local communities, the voluntary and charitable sector are more engaged and actively managing their own localities and shaping their own places
 - CO5: The district will be shaped through good design, that addresses local needs and promotes healthier life choices.

Consultation

- 4.2 No consultation is required on the Local Development Scheme.
- 4.3 Consultation on the Issues and Options / Regulation 18 is expected to be undertaken during January to February 2024. A dedicated web page will be established to host the

consultation document and to encourage and enable feedback via a specialist planning consultation portal.

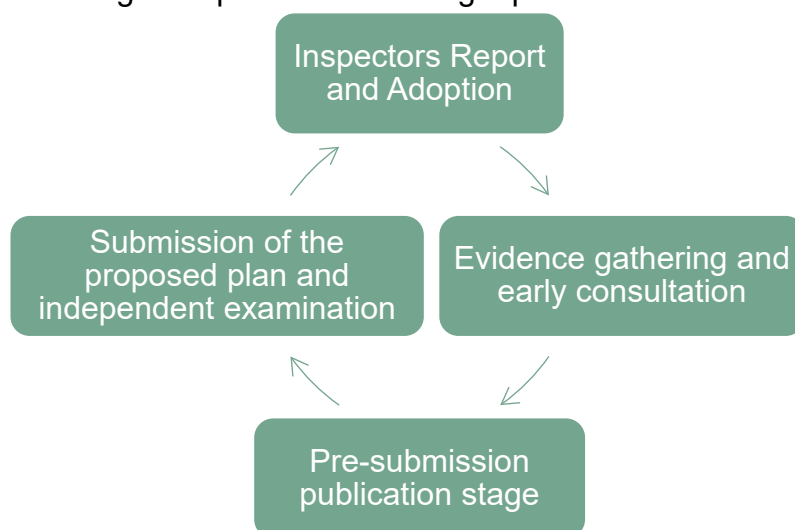
- 4.4 Consultation will be undertaken in accordance with the relevant regulations and in accordance with the consultation principles established through the Statement of Community Involvement (SCI).

Financial

- 4.5 No additional resources are required to enable the publication of the Issues and Options document for consultation. Details of additional resources needed in order to meet the reprofiled work programme for the preparation of the local plan for submission by 30 June 2025 will be presented to Cabinet for approval on 27 November 2023.

Legal

- 4.6 The requirement to publish and keep under review the Local Development Scheme is set out within section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 4.7 Preparation of the new Local Plan will take place in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The Planning and Compulsory Purchase Act 2004 places a duty on local authorities to carry out plan-making. The process of making a plan involves four main stages:



Environmental Implications

- 4.8 The new Local Plan will have implications in relation to the spatial planning of the district. The wider environmental implications of the scale and distribution of development and associated supporting infrastructure will be assessed through the Sustainability Appraisal of the Local Plan, which incorporates the requirements of the SEA Directive. However, this report relates to the adoption of an up to date Local Development Scheme and authorisation of the commencement of the Regulation 18 consultation and does not therefore have any direct environmental implications.

Risk Management

- 4.9 The updated Local Development Scheme and publication of the issues and options consultation are important steps in the preparation of the new local plan. Both documents help the Council to manage the risks associated with preparing a new local plan within the reprofiled LDS timeframe, including:
- The proposed LDS local plan preparation timetable confirms that the new local plan will be submitted for examination in June 2025, which accords with the

government's deadline for plans to be submitted for examination under the current plan-making system.

- Triggers which specify the circumstances in which the Authority will need to prepare a new local plan (as outlined in local plan policy IMR1) have been activated, since Leicester City Council published its Regulation 19 in January 2022. As such, consultation under Regulation 18 is required in accordance with the Council's own existing plan.
- Ensuring the local plan remains up to date.
- Provision of certainty to key stakeholders, including partners, infrastructure providers and site promoters, enabling effective collaboration.
- Ensures compliance with the regulatory framework for Local Plans.

Equalities Impact

- 4.10 An Equalities Impact Assessment (EIA) for the Local Plan will be prepared and regularly reviewed as part of the Local Plan making

Data Protection

- 4.11 All consultations on the Local Plan will be carried out in compliance with the provisions of the UK GDPR and the Data Protection Act 2018.

5. Recommendation

- 5.1 The Panel may wish to discuss the following before providing comments to Cabinet on this report:
- 1) Is it desirable to ensure the local plan remains up to date?
 - 2) Are the risks associated with the reprofiled local plan time clearly explained in the LDS: have any risks been overlooked?
 - 3) Is the contents of the Issues and Options consultation document clear?
 - 4) Is it desirable to submit a new local plan for examination by 30 June 2025 in order to protect the district from speculative development and ensure plan led development is delivered across the district?
- 5.2 The Communities Overview and Scrutiny Panel is asked comment on this report and its appendices.

6. Background papers

- 1) Review of the adopted Harborough Local Plan: Cabinet 5 July 2021.
- 2) Local Development Scheme for the new Local Plan: Cabinet 6 September 2021.
- 3) Local Development Scheme for the new Local Plan: Cabinet 4 July 2022

Above reports are available here: <https://cmis.harborough.gov.uk/cmis5/Meetings.aspx>

- 4) Current LDS: <http://www.harborough.gov.uk/local-development-scheme>

- 5) Government consultation, July-Oct 2023: [Levelling-up and Regeneration Bill: Consultation on implementation of plan-making reforms](#)

Consultation is now closed but available to view online here:

<https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms>