

Harborough District Council



Report to Council Meeting of 11 December 2023

Title:	New Local Plan Resources
Status:	Public
Key Decision:	Yes
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Portfolio Holder:	Planning Portfolio, Cllr Simon Galton Finance Portfolio, Cllr Mark Garves
Appendices:	Appendix A: Risk Assessment

Summary

- i. The report seeks approval for additional financial resources to be used to fund the preparation of the local plan and aims to meet submission by June 2025.

Recommendations

It is recommended that:

Council approves the additional resources needed for Local Plan preparation set out in Table 1 in paragraph 4.4 of this report in order to aim to submit the new local plan for examination by June 2025.

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 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 plans to the preceding regime. The transition period requires the Council to submit its local plan for examination under the existing, known, planning system, by 30 June 2025 – the date in the existing Local Development Scheme (LDS). To achieve that deadline,

the Council needs to reprofile the local plan preparation work programme. If this objective is to be achieved, additional resources are required to enable the reprofiled the LDS work programme.

- iv. Specifically, additional staffing capacity, consultancy support and specialist technical expertise is needed in order to prepare the local plan within the reprofiled LDS timeframe. The preparation process is technically complex and draws upon a high number of both internal and external expertise. This reliance increases the risk of delay if partners, consultancy support or statutory bodies are unable to meet tight deadlines. As such, it should be noted that additional funding of this nature does not guarantee submission by June 2025. However it is expected that the additional resources provide the necessary resources in order to aim to meet the deadline.
- v. The risk assessment demonstrates that working towards submission by 30 June 2025 results in considerably less risk to the Council than waiting and preparing a new local plan under the new planning system after June 2025.

1. Purpose of Report

- 1.1. This report seeks approval of additional resources to meet a reprofiled timeframe for the Local Development Scheme (LDS) local plan preparation work programme.

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 Planning and Compulsory Purchase Act 2004 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 The latest government consultation on plan-making reforms includes transitional arrangements to facilitate the switch from the current planning system to the reformed planning regulations under the Levelling- up and Regeneration Act 2023 (LURA). LURA has introduced a revised statutory framework for the 'making' of local plans. However, the legislation also provides for a period of transition. This means that local authorities who have been progressing preparation of their local plan under the current local plan making regime can still submit a Local Plan for examination by 30 June 2025.
- 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 above at paragraph 2.4, 2.b. 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.

3. Details

- 3.1 The transitional arrangements tabled by government state that Local Planning Authorities who do not submit a new plan by 30 June 2025, will have to operate within the reformed planning system.
- 3.2 Within the reformed planning system, Government proposals will remove 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 a new local plan, work cannot begin until the Authority receives instructions, or approval, to do so from central government. Consultation proposals also make clear the government's intention to manage local plan preparation timetables and the associated programme of public consultations to be undertaken.
- 3.3 Local planning authorities are expected to 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.
- 3.4 Future 'batches' of authorities will be instructed to commence local plans chronologically, according to previous adoption date. In view of Harborough District Council's strong track

record of local plan preparation and adoptions, and strong track record of housing delivery, there will be a considerable wait until called upon to start a new local plan (unlikely to be asked to start a new local plan before 2027).

- 3.5 Under the transitional arrangements up to date plans which become more than five years old during the first 30 months of the new system are expected to be protected from speculative development. However, this will not protect the Council's current local plan which was adopted on 30 April 2019 and will become five years old before new arrangements are expected to be in place (in Autumn 2024). The current local plan will therefore remain out of date until replaced by a new local plan. If the 30 June 2025 deadline is not met, this could potentially be as late as 2029 or 2030. That would place the district at considerable risk of speculative development over a period of several years and is not recommended.
- 3.6 In the meantime, the existing policy IMR1 policy trigger outlined in paragraph 2.4 above, will have been met, leaving the authority without an up-to-date plan. Therefore, the Authority now faces an intense period of plan preparation, through a reprofiled Local Development Scheme (LDS) work programme to enable the preparation of the new local plan. This is to meet the new government deadline for submission under the existing plan-making system of 30 June 2025 in order to avoid the uncertainties of the new plan making system outlined in paragraphs 3.1 – 3.5 above, and also to satisfy the provisions of the existing local plan trigger policy, IMR1.
- 3.7 In order to progress the local plan to submission by June 2025 and to thereby protect the district from potentially damaging and unsustainable speculative development over a prolonged period of up to 6 or so years to 2029 or 2030, additional resourcing is required. The total additional investment to enable the local plan to be prepared under the reprofiled work programme is estimated for each year of local plan preparation as follows:
- 2023/4: £ 257,959
 - 2024/5: £1,139,539
 - 2025/6: £ 474,315

This investment will enable the use of additional staffing capacity, consultancy support, and technical expertise to progress the local plan under the reprofiled local plan preparation timetable.

- 3.8 The justification for the council committing these additional resources to the preparation of the new local plan is that this will ensure that the authority has the best chance possible to submit a new local plan for examination by the government deadline of 30th June 2025, as set in the Local Development Scheme (LDS). It is important to achieve this to ensure that a new local plan can be adopted as soon as possible following the examination, likely to be sometime in 2026. This will ensure the district has plan-led delivery of sustainable development and protection from potentially unsustainable speculative development in the quickest possible timescale.
- 3.9 It is important to understand that a comprehensive project management approach is being deployed to oversee and guide the preparation of the local plan through the reprofiled and

work programme. This will include due diligence on managing all of the resources provided by the council to ensure that those resources are used in the most efficient and effective way to achieve best value for money. The authority is in the process of procuring specialist planning experts to enable it to meet the reprofiled local plan work programme. The Head of Service for Local and Strategic Planning is the lead officer for the project under the oversight and management of the Director of Planning in the role of Senior Responsible Owner.

- 3.10 Robust procurement processes are being pursued to ensure value for money is achieved for all goods, services and additional staff required to deliver the reprofiled local plan work programme. These processes are be overseen by the Head of Service for Strategic and Local Planning and the Director of Planning.
- 3.11 There is comprehensive and robust member oversight of the plan-making process so that all members of the authority can take part and contribute to the preparation of the local plan. This includes the Local Plan Advisory Panel, various member briefings as well as Cabinet and Council meetings. This is not an exhaustive list, other member engagement can and will be undertaken as and when needed during the progression of the project.
- 3.12 A full programme of public consultation and engagement is also included in the reprofiled local plan work programme so that all members of the community and other stakeholders can access information about the project and make their contributions to the preparation of the new local plan. This programme will be guided and promoted in the light of a communications plan for the whole project.
- 3.13 The reprofiled local plan work programme represents good value for money for the authority. The process has a strong project and programme management control framework in place to ensure quality control and risk management is undertaken to a high standard.
- 3.14 Fundamentally, the council needs the new local plan to be submitted for examination by June 2025 in order to plan-led sustainable development is delivered across the district in the coming years rather than the alternative of unplanned, ad-hoc, speculative development on uncontrolled development sites across the district. The district has suffered from periods of non-plan-led and speculative growth on previous occasions when no up to date and sound local plan has been in place. In these periods the council has had limited powers to resist such unplanned and speculative growth, often because of the planning appeals system. By investing the additional financial resources requested and recommended in this report to enable the delivery of the reprofiled local plan work programme will mean the district has the best possible chance to avoid returning to such circumstances again.

This will enable the use of additional staffing capacity, consultancy support, and technical expertise.

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. Informal consultation has taken place with relevant Portfolio Holders. No additional consultation is required.

Financial

- 4.3. The additional cost of £1.9m is expected to provide the necessary resources to deliver the local plan reprofiled LDS work programme, with the aim to submit the new local plan for examination by the government deadline of June 2025.
- 4.4. The expectation is that this additional resource will be funded by a combination of receipts from the Leicestershire Business Rates Retention Pool receipts (Delegations: [03/04/2023](#); [24/05/2023](#)), use of reserves and when possible, in-year savings. Based on the current project plan, and not knowing any future in-year savings, the following Table 1 is the expected additional cost and financing profile for resourcing the new local plan:

Table 1 – Recommended New Local Plan Resourcing – Expected Project Costs and Resourcing

Net Local Plan Resourcing - Expected Projects Costs and Financing	Year			
	2023/24 £	2024/25 £	2025/26 £	TOTAL £
Staffing and Evidence	132,959	724,539	444,315	1,301,813
Technical support Sub-total	125,000	415,000	30,000	570,000
TOTAL	257,959	1,139,539	474,315	1,871,813
Income: Leics NDR Pool Funding	(1,342,358)	0	0	(1,342,358)
Net Cost	(1,084,399)	1,139,539	474,315	529,455
Resource Allocation				
Contribution to Earmarked Reserve: Local Plan	1,084,399			1,084,399
Contribution from Earmarked Reserve: Local Plan		(1,084,399)		(1,084,399)
Contribution from Earmarked Reserve: Other		(55,140)	(474,315)	(529,455)
Net Service Impact	0	0	0	0

Earmarked Reserves: Local Plan [Leicestershire NDR Pool Funding]			
b/f	0	(1,084,399)	0
Contribution from Services	(1,084,399)		
Contribution to Services	0	1,084,399	0
c/f	(1,084,399)	0	0

Earmarked Reserve: Other			
b/f	(1,000,000)	(1,000,000)	(944,860)
Contribution to Services	0	55,140	474,315
c/f	(1,000,000)	(944,860)	(470,545)

Legal

- 4.5 Preparation of the new local plan will take place in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012. The Planning and Compulsory Purchase Act 2004 place a duty on local authorities to carry out plan-making.

Environmental Implications

- 4.6 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.

Risk Management

- 4.7 A detailed risk assessment is set out at Appendix A. This sets out the risks associated with:

Option 1: Submission of the Local Plan By 30 June 2025 ; and

Option 2: Submission of the Local Plan Post June 2025.

The Risk Assessment scores each risk in terms of the likelihood and impact. Appropriate mitigation is identified, and each risk is then re-scored with the mitigation applied. This shows that Option 2 results in 7 Red (identified as Extreme or Major risks), compared with no red risks under Option 1. Option 1 is therefore the Option attracting significantly less risk.

- 4.8 Not meeting the government deadline to submit the new local plan by 30 June 2025 would mean that preparation of the new local plan would suffer a hiatus or uncertainty whilst the Government introduces the new planning system. This would impose a significant delay on plan making. It is anticipated that under the new planning system, work on the new local plan would be delayed until a start in 2027, resulting in a very significant delay in adoption of the new plan until 2030. This would result in the district not having an up-to-date local plan for a number of years and place the district at considerable risk of speculative, unplanned development, the likely consequences of which are described in paragraph 3.14 above.
- 4.9 Additional resources are required due to the achievable, yet challenging nature of the deadline and the associated reprofiled local plan work programme put in place to achieve it. Additional staffing capacity, consultancy support and specialist technical expertise is needed to prepare the local plan within this reprofiled timeframe. The preparation process is technically complex and draws upon a high number of both internal and external expertise. This reliance increases the risk of delay in the event that partners, consultancy support or statutory bodies are unable to meet tight deadlines. As such, it should be noted that additional funding of this nature does not guarantee submission by June 2025. It does however represent the best possible chance and opportunity to meet this extremely challenging deadline. Without the additional resources requested and recommended in this report there would be no chance of meeting the government's June 2025 deadline for submission of the district's new local plan for examination.
- 4.10 In the event that submission by 30 June 2025 does not prove achievable for reasons outlined above, the work will not be wasted. Instead, the draft Local Plan, evidence and

supporting documents underpinning it would be used to prepare a new local plan under the new planning system, with the necessary reviews and updates undertaken.

Equalities Impact

- 4.11 An Equalities Impact Assessment (EIA) for the Local Plan will be prepared and regularly reviewed as part of the Local Plan making process. In addition, an EIA will be prepared for each public consultation stage.

Data Protection

- 4.12 All consultation on the Local Plan will be carried out in compliance with the provisions of the UK GDPR and, the General Data Protection Act 2018.

5. Alternative Options Considered

- 5.1 Option 1: Council approves additional resources in order to meet the reprofiled LDS local plan work programme and aim to submit the new local plan by the deadline of 30 June 2025. This is recommended.
- 5.2 Option 2: Council does not approve the additional resourcing. This is not recommended since it will slow down local plan preparation and result in the Council being unable to achieve submission of the new local plan by the government deadline of June 2025. The consequence of missing this deadline is needing to await the establishment of the new planning system and the likely uncertainties and associated delays to the preparation of the new local plan that will incur in those circumstances. Due to the proposed way in which the new planning system is being introduced, local plan preparation is likely to be significantly delayed under the new system, with the start of plan preparation not expected until at least 2027, meaning adoption not until, at least, 2030.

6. Recommendation

- 6.1 **It is recommended that:**

Council approves the additional resources needed for Local Plan preparation set out in Table 1 in paragraph 4.4 of this report in order to aim to submit the new local plan for examination by June 2025.

7. Background papers

Cabinet decision to prepare a new Local Plan June 2021 available at the following link:

[Meetings and Events \(harborough.gov.uk\)](https://www.harborough.gov.uk/Meetings-and-Events)

Latest Government consultation on planning reforms:

[Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms - GOV.UK \(www.gov.uk\)](https://www.gov.uk/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms)