

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.8

meeting date: THURSDAY, 28 NOVEMBER 2019
title: UPDATE ON LOCAL DEVELOPMENT PLAN
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1 PURPOSE

1.1 To consider the review of the Local Plan.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – To deliver a coordinated approach to planning through up to date planning policies.
- Corporate Priorities – To protect and enhance the existing environmental qualities of the area to match the supply of homes in our area through the identified housing needs.
- Other Considerations – To take actions that demonstrate the Council is a well run authority.

2 BACKGROUND

2.1 Members will be familiar with the Council's statutory duties to have in place up to date Local Plan coverage that reflects both National legislation and National planning policy. The planning system is based upon a plan led system to ensure that the most sustainable forms of development possible are delivered and infrastructure can be planned for in the most effective way. Up to date Development Plans ensure that development and investment decisions are delivered effectively and development is directed to the most suitable locations and that the wider environment is protected with any effects of development mitigated as far as possible.

2.2 Local Plan policies are intended to assist in determining planning applications and to provide the opportunity for Local Planning Authorities (LPAs) to plan for the development of the area. It is not a function of the Local Plan to stop development rather it is the role of the plan to facilitate the National policy for delivering sustainable development.

2.3 The Local Development Framework (LDF) for the borough currently comprises the Core Strategy (adopted December 2014), the recently adopted Housing and Economic Development Plan Document (HEDDPD) which sits alongside the Core Strategy and the Longridge Neighbourhood Plan (adopted May 2019). Both the Core Strategy and the HEDDPD were produced using the relevant legislation of the time and both under the policy background of the 2012 National Planning Policy Framework (NPPF). The Core Strategy is approaching its five year anniversary. There is a commitment to review the housing requirements set out in the Core Strategy within five years of adoption but good practice would promote a plan review every five years. Recent changes to National Policy

now place a requirement upon the LPA to undertake a review within five years of adoption and to determine what action it may need to take.

- 2.4 On that basis given that the Core Strategy was adopted in December 2014, it needs to be reviewed in line with that statutory duty. Notwithstanding this, there are a number of new areas of policy which have emerged since the Core Strategy was prepared which mean there are some policy gaps in the adopted Core Strategy that warrant an update to address these in any event. Operationally the Council has also been using the plan for five years and it is good practice to review how this has been successful in practice.
- 2.5 Updating the Local Plan coverage for the borough is a complex project. It is also important to recognise that there are two discreet parts to addressing the review duty. Firstly is the 'process of review' and then the need to follow a process of carrying out any updates and revisions as a consequence. The update and revisions element needs to follow the relevant statutory stages of the plan making process from developing the evidence base, identifying issues and options (Regulation 18), the preparation of the Council's propose replacement policies (Regulation 19) and the Submission, Examination and Adoption stage. What is important to remember is that simply because aspects of the plan may need to be refreshed and require updating, it does not mean that the existing adopted plan is automatically out of date and no longer relevant. The extent to which weight is given in making decisions to differing elements of the plan will depend upon the issue at hand, any conflict with national policy and any other material considerations. For decision making, the situation will remain that the adopted plan is the starting point, with a judgement applied to the relevant weight to be given in applying the policy and the extent to which NPPF needs to be applied.
- 2.6 Consideration will also need to be given to the overall approach to how the plan policies are updated and reviewed. Whilst recent changes to NPPF gave the opportunity to replace elements of the plan rather than put in place a wholly new replacement plan, it is important to consider how in practice the Local Plan is brought together. As indicated the current LDF reflects the older style approach of a Core Strategy (or strategic series of policies), more detailed policies for determining planning applications and the associated DPD comprising allocations and detailing constraints by way of the proposals maps. Whilst the intent was that the Core Strategy and Allocations Plan would be merged into a single Local Plan, there is now the opportunity to undertake a partial review if appropriate but this brings with it a number of challenges, such as elements of the plan becoming out of step, the potential for further review stages leading to the lack of a simplified comprehensive plan.
- 2.7 Going forward the opportunity to take forward a single plan drawing all elements together has the most advantages. This is in terms of the ease with which the plan can be used and the timing of delivery. A coordinated approach to policy change, evidence base and process would be more effective in my view. It also allows a plan that is written and collated in a comprehensive manner which can reflect recent policy changes, operational needs and will present efficiencies in its production.
- 2.8 More detail on the outcome of the review itself is set out in the later stages of this report, however, it is anticipated that much of the policy content in the existing plans will be capable of being rolled forward into a new plan albeit with some amendments. This will help reduce the burden of the plan making process. Whilst they will still remain subject to the challenges of the statutory process, in essence where they remain sound and national planning policy compliant, there is no benefit in not carrying these policies forward.

Similarly given the recent adoption of the HEDPD, it is expected that the majority of that plan content will be capable of rolling forward into a single Local Plan. As Members will recognise the content of that plan has been recently examined, found sound and the timeframe of plan coverage is still relevant.

- 2.9 Other elements of the LDF, where the Council is also required to undertake a five year review, include the adopted Statement of Community Involvement. Essentially this document establishes how the LPA proposes to ensure that the local community is engaged in the plan making process. This document will need updating to emphasise the wider use of electronic communications and publishing and will be the subject of a future report.

3 EVIDENCE BASE

- 3.1 A key element of the plan making process is the ability to draw a robust evidence base upon which to form decisions. The Council has an extensive evidence base that has been established in the preparation of the Core Strategy and subsequently applied and updated where relevant to inform the HEDDPD. Some elements of the evidence base have been refreshed, others have not, dependent upon the issues dealt with. Critical elements of the evidence base include five year land availability and supply statements, specific pieces of work on the economic baseline, town centres and currently in progress the review of housing requirements for the borough. Most of the evidence base is in need of update which will be a key element of the plan making process in its first year. This is set out in the recently considered Local Development Scheme (LDS) which was considered by this Committee at its meeting of the 3 October 2019 (Minute 297 refers). In the past the evidence base work has been delivered through a combination of in-house capacity (where appropriate) or by the use of consultancy either due to capacity to undertake the work or the need for specialist input. Other agencies have also supported the Council in delivering its evidence base.

- 3.2 The LPA also has to produce an Authority Monitoring Report (link to AMR: https://www.ribblevalley.gov.uk/downloads/file/12430/2019_authority_monitoring_report) which is published by the Council and this provides an ongoing mechanism to monitor performance of the existing Core Strategy and progress with the HEDDPD. Other documents that will form part of the evidence base include Council plans and strategies such as the recently adopted Corporate Plan (link to Corporate Plan: https://www.ribblevalley.gov.uk/info/200396/performance_and_statistics/301/ribble_valley_borough_council_corporate_strategy).

4 REVIEW OF THE CORE STRATEGY

- 4.1 As indicated there is now a statutory requirement to undertake a review of adopted plans by their fifth anniversary. Given that the Core Strategy was adopted in December 2014, this part of the LDF needs to be reviewed. Work has been undertaken to review the adopted plan initially against a number of key issues which are set out in the National Policy guidance. These include the Authority Monitoring Report (AMR), Appeal decisions, housing land supply (and delivery) together with simply the need to update plan content to address changes in circumstances.
- 4.2 A review of appeal decisions since the plan was adopted has not identified any issues of conflict with National Policy but there are areas where further guidance to assist

interpretation are considered to be helpful. This may be achieved by progressing detailed Supplementary Planning Documents or by revising wording and tightening definitions. Similarly, there are some aspects of policy which have proven difficult to readily and consistently apply at a finer grain indicating that there is a need to consider consolidating some policies where there is potential for overlap or the risk of a lack of clarity.

- 4.3 The AMR has not identified any issues of significance in terms of policy monitoring although the monitoring framework itself, which is part of the plan, is difficult to apply at the detail indicated. Whilst overall the AMR has not identified any significant issues with the plan, the operation of the monitoring system, does need revisiting.
- 4.4 Progress on delivery in the first five years has seen a significant increase in housing delivery as measured by the Housing Land Supply Position Statements produced by the Council. The Council has met the Government's previous Housing Delivery Test requirements and has maintained a supply of deliverable sites. Affordable housing has also been delivered through new development in line with the Council's requirements. The recently adopted HEDDPD has made provision for land to address requirements of the Core Strategy which was a key element considered at the recent Examination. Whilst the Council can demonstrate a five year supply and has made provision to bring sites forward, land supply itself remains very much a market driven factor. The most recent supply position at September 2019 is identified as 6.6 years. In order to maintain supply over the medium to long term however, the position will rely not just on ensuring that sites are developed out but also that a steady supply of new sites continues to come forward over the longer term.
- 4.5 Over time it is anticipated that the Council will continue to see pressure for development and it is important to ensure that the plan can continue to provide a framework to guide decisions. In this regard and given changes that have occurred in relation to services and public transport for example, the basis of the settlement strategy as a basis for sustainable development, does need to be revisited to ensure sustainable development continues to be attained. In parallel the intended scale of growth identified in the Core Strategy has been delivered and is reaching a point where original considerations of growth are now being met. Therefore, continued growth in these locations on the existing distribution strategy may not be appropriate and as an issue needs to be revisited to ensure it offers the most sustainable and deliverable pattern of growth for the borough going forward.
- 4.6 The Council has commissioned work to review the housing requirement for the borough in the light of the government's change to an approach based on the Standard Methodology. The consultant's advice is subject of a separate report, however the published findings indicate a range of requirements to be considered, which will need to be reflected in the settlement strategy. Dependent upon the figure adopted it is likely that the distribution model to deliver that level of projected housing, needs to be revised as indicated in paragraph 4.5 above to ensure the Council can achieve the most sustainable patterns of growth going forward. It is also considered important to take into account the growth that has already been delivered where some areas are experiencing higher levels of growth than originally planned for, consequently there may be a need to rebalance the pattern of development.
- 4.7 As with housing, the area has seen an increase in economic activity with workspace being brought forward in line with the plan. Projections for growth and the need for employment land were originally based in the Core Strategy on a 10 year evidence baseline, this being

considered the most suitable timeframe against which these matters could be reliably addressed. The Council has recently adopted its new Economic Plan for the area together with the Council's Corporate Plan which seeks to deliver sustainable economic growth. Whilst the HEDDPD makes allocations for sites, much of this is now committed and is being built out, whilst other sites continue to remain challenging to bring forward. It is incumbent on the Council to review these committed sites in order to update its employment land base and ensure that the economic needs of the area are suitably addressed and not hindered by a lack of readily available land. The employment land elements of the Core Strategy are therefore a key area where review is important.

- 4.8 A key driver for review is that the Core Strategy had its basis of preparation against the originally published 2012 version of the NPPF, similarly the recently adopted Housing and Economic Development DPD was also prepared and tested at Examination against the 2012 NPPF. There are a number of areas where there is a need to align policies with the most recently published NPPF. Issues include determining housing requirements (against the standard methodology approach), a need to provide greater policy coverage in relation to planning for health and wellbeing and dealing in greater detail for example with aspects of the new NPPF in relation to matters such as self-build and custom house building. Other issues identified relate to market housing in rural areas, isolated dwellings and policies around holiday accommodation which have emerged as areas needing review. As previously mentioned in this report, whilst there have been no matters of conflict with NPPF identified through recent appeals, there are clearly areas where the Local Plan needs to be reviewed to reflect the most recent guidance and to provide clearer policy on a number of issues as highlighted above. This will ensure that the local interpretation and application of national policy is more effective and assists the Council in determining planning applications consistently and efficiently.
- 4.9 In conclusion, having considered the adopted Core Strategy in the context of the broad issues and aspects set out above, it is important to progress a review of the Core Strategy to update the plan and ensure that national policy can be clearly and consistently implemented. The Core Strategy has been successful in facilitating development that reflects its strategy and it is important to ensure that going forward the Council can put in place robust planning policies that are up to date and reflect changing circumstances. Similarly, although the HEDDPD has only recently been adopted, it is predicated against the Core Strategy and it is therefore in itself sensible to merge these two components of the Council's LDF through the delivery of a new Local Plan. Consequently, it is recommended that the Council moves forward with the production of a single Local Plan that updates policy where necessary whilst rolling forward those policies that remain appropriate. By delivering the Local Plan in this way, it will allow a comprehensive plan to be generated and taken through the plan making process in a coordinated way, aligning the key elements of the LDF and ensuring that the Council has in place the most up to date and relevant planning policies for the borough. This will avoid an update taking place initially of the Core Strategy which then has to be followed with an update of the HEDDPD with the consequence of having to meet the statutory process, further Examination and the costs that this is likely to incur. The process of preparing a single Local Plan also means the use of a single evidence base

5 THE PLAN MAKING PROCESS

5.1 The initial programme for the delivery of a new Local Plan is set out in the Council's published Local Development Scheme (LDS) which is available to view on the Council's website using the following link:

https://www.ribblevalley.gov.uk/info/200400/local_development_framework/1460/local_development_scheme_lds. This was considered by Members at the meeting of the Planning and Development Committee on 3 October 2019 (Minute 297 refers). The initial LDS has identified the following broad timeframe in relation to the key stages of the process:

1. Regulation 18 - Evidence production and issues and options (Regulation 18) by September 2020.
2. Regulation 19 - Publication stage by February 2021
3. Regulation 22 - Submission stage by May 2021
4. Regulation 22 - Examination in Public by summer 2021
5. Anticipated receipt of Inspector's report – February 2022
6. Adoption June 2022

5.2 These steps will need to be kept under regular review as experience has shown timeframes can readily be influenced by many factors including changing national policy, additional time to consider and respond to representations, or new evidence to be taken into account. Often these elements are outside the control of the Council. In general whilst the early stages can be programmed to reflect the timeframe, beyond Regulation 18 stage the process is more reactionary to the issues raised which may lead to additional work and expenditure.

5.3 To produce the plan the Council will need to ensure its evidence base is up to date. At present, the Council has undertaken work to establish its economic baseline, has undertaken town centre health checks and is currently progressing the Strategic Housing and Economic Needs study to establish a housing requirement. Evidence in relation to housing delivery has also been published and monitoring is undertaken on a regular basis. The preparation of an up to date and published evidence base is an ongoing process and whilst the wider evidence base will continue to be refreshed, a number of key areas will be focused upon to help inform the Regulation 18 issues and options stage as a starting point. The table below sets out those key areas of evidence to be produced together with the anticipated approach in terms of in-house or consultancy delivery.

Table 1 – Preparation of Key Evidence Base

In-house resource	<ul style="list-style-type: none"> • Employment land review and requirements • Strategic Housing and Employment Land Assessment (including call for sites) • Public open space • Housing Land Availability • Transport issues • Infrastructure Delivery Plan
Consultancy	<ul style="list-style-type: none"> • Sustainability Appraisal/SEA/HRA • Retail base data and requirements • Strategic Flood Risk Assessments • Landscape – visual impact assessments • Whole plan viability • Leisure Economy including Accommodation Needs

- 5.4 These key pieces of the evidence base will be used to identify the broad issues and options to inform the plan review. Additional work in relation to specific topics will also need to be covered as information from the evidence base is translated into identifying the issues and relevant options to deal with them. The ability to deliver in-house will be governed by capacity and broader expertise, however seeking to undertake as much work as possible in-house will help keep overall costs of the process down. Some areas of the work however will require more specialist knowledge and with this in mind the proposed outsourcing of some key elements of the evidence base is identified. Other areas of work may come forward as the process moves on and gaps in information are identified.
- 5.5 In addition to the production of the evidence base there are pre-determined stages and requirements as part of the process itself that the Council would need to fund. These relate broadly to the consultation stages, including mailing, advertising and distribution of material, publicity, document production. Room hire and support costs to deliver these functions will also need to be addressed together with any additional consultancy identified as the process moves on. The budget requirement is the subject of ongoing work to establish the cost base. A specific report on this issue will be brought back to this Committee as part of the Council's budget planning process.

6 RISK ASSESSMENT

6.1 The approval of this report may have the following implications

- Resources – The Council has a duty to put in place up to date local planning policies. It is also required to review its Local Plan within five years of adoption and where it is identified that an update is required to put in place the measures to update its plans and policies as effectively and efficiently as possible. There is currently no budget provision to carry out the update identified in this report. This will be considered as part of the Council's budget setting process.
- Technical, Environmental and Legal – The Council is required to review and keep up to date its planning policies. Where policies are out of date decisions on planning applications will be made in accord with the NPPF, thereby reducing the opportunity for the Council to influence planning decisions.
- Political – There is great public interest in planning issues.
- Reputation – None.
- Equality & Diversity – None.

7 RECOMMENDED THAT COMMITTEE

- 7.1 Note the comments set out in section 4 of this report regarding the review of the Core Strategy and endorse the findings of the review that there is a need to undertake an update of the Core Strategy.
- 7.2 Support the approach proposed to provide a comprehensive framework for the borough by way of a single Local Plan.

- 7.3 Ask the Development Plan Working group to consider the detailed budget implications necessary to progress the Local Plan update and that a further detailed report on the budget implications be submitted to the Budget Working Group and also brought back to this Committee as part of the budgeting process.

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BACKGROUND PAPERS

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