

**Local Development Scheme, LDS Update**

**Summary:** An update to the Local Development Scheme (LDS) is necessary to reflect the anticipated timeframe for the development of the various planning documents including the work to submission and adoption around North Norfolk District Council's Local Plan. The revision to the timetable for adopting the Local Plan is necessary to align with the time taken to consider and respond to the number of representations received to January 2022 pre submission consultation. There is also a need to respond to the additional evidence, to the nutrient neutrality advice and to consider the implications of revised national policy and guidance. This LDS must be published on the Council's website and align with the submission of the Plan.

**Recommendations:** **Members of the Planning Policy & Built Heritage Working Party recommend to Cabinet the revised timetable for the submission, examination and adoption of the North Norfolk Local Plan and that the Local Development Scheme be brought into effect as of the date of the next meeting and published as required by section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).**

|  |                         |
|--|-------------------------|
| Cabinet Member(s)<br>Cllr Andrew Brown   | Ward(s) affected<br>All |
| All Members  | All Wards               |
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**1. The North Norfolk Local Plan**

1.1 A Local Development Scheme, LDS, must be prepared under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). An LDS is essentially a project plan which identifies the Development Plan Documents which when prepared will make up the Development Plan for the area. It must be kept up-to-date and be made publically available. This enables public and stakeholders to find out about planning policies in their area, the status of those policies and the details and timescales for the production of all relevant documents.

- 1.2 The Local Development Scheme was first prepared in 2015 in order to set out the timeline for preparing the new, single Local Plan. It was recommended to Cabinet on 6 July 2015 for publication following consideration by the Planning Policy & Built Heritage Working Party. This LDS took effect from 1 August 2015.
- 1.3 Interim revisions to the indicative timetable were agreed at the Planning Policy and Built Heritage Working Party meeting of 19 March 2018, and further revised in May 2020, when the LDS (Version 2) was again updated and published to outline the production time of the proposed submission version of the emerging Plan and other development plan documents. A further timetable revision took place in December 2021 to reflect unforeseen delays to the Local Plan project and changes in the overall project scope ahead of the pre-submission consultation which took place in January – March 2022.
- 1.4 This revised Local Development Scheme (Version 3) has been prepared to update the background context for finalising the Local Plan, and to detail the envisaged timeline for adoption. In doing the timeline has been advised by the Planning Manager and the Portfolio Holder following a review of the remaining tasks, the Council's constitution, and the desired sign-off process required by the Portfolio Holder ahead of submission to the Secretary of State, and sets out the timeline and documents for the period 2020-2024. Figure 1 on page 12 of the LDS sets out the indicative timelines.
- 1.5 Having an adopted and up-to-date Local Plan is critical for the Council to plan strategically for future development whilst protecting the District's environment and delivering climate change resilient sustainable growth. It also gives local people, developers and landowners certainty about what development will take place in their area. Currently, all of the adopted Plans which make up the Council's Development Plan are more than eleven years old and the Council currently cannot maintain a regular supply of housing land delivery.
- 1.6 By maintaining an up-to-date LDS it is clear to local people, developers, and landowners when the key stages of the Local Plan process will take place and when they are likely to have an opportunity to be involved in the next stages of its production.
- 1.7 During the Regulation 19 consultation on the proposed submission version of the Local Plan, which focused on specific views around legal compliance and soundness, the Council received in total 697 representations from 190 respondents. A proportion of the responses received were not made using the prescribed consultation response form and many of these responses related to multiple topic areas, policies or sites in the Plan, or to other supporting documents and or included additional uploaded PDF documents. In order to review and respond to the representations, the Council undertook an exercise to split such comments and append them to the relevant section of the Plan prior to review.
- 1.8 This work has now been completed subject to working party approval in December (policies) and January (sites) and a number of minor modifications are proposed mainly for reasons of clarity and conformity which takes into account the below:

- 1.9 In March of this year Natural England issued revised guidance on nutrient neutrality across two catchments within North Norfolk. This advice has significant implications for residential and other development the District and wider region. Work is underway to evaluate the extents of the issue and to develop a cross-boundary strategic approach to enable development to take place. Delivery of effective mitigation will however take time. Further modifications are proposed in the Plan in order to go some way to addressing this new and significant issue and ensure our environment and waterways are better protected.
- 1.10 In May 2022, the Levelling-up and Regeneration Bill was introduced to Parliament. This proposes significant changes to the way Local Plans are produced, including:
- a move away from the duty to co-operate, and therefore no longer a requirement for local planning authorities to meet unmet housing needs from neighbouring authorities.
  - amendments to the 5-year housing land supply requirement making it only impact local planning authorities when the Local Plan is out of date.
  - possible changes to how housing targets are calculated.
  - measures to help address the nutrient neutrality requirement for new developments.
  - the intention to have a national set of development management policies to streamline plan-making, allowing local planning authorities to focus on strategy, allocations, and location-specific issues.
- 1.11 A draft revised National Planning Policy Framework (NPPF) was expected for consultation in July 2022 however this is yet to materialise. It is expected that any content of the revised NPPF will have implications for the Local Plan and future timeline.
- 1.12 The Levelling-up and Regeneration Bill is scheduled to complete its passage through parliament by April 2023 and is currently on the floor of the House of Commons to consider further proposals of change following its previous committee stage.
- 1.13 The Environment Bill received Royal assent in November 2021 and covers air quality, water, waste & resource, nature & biodiversity, conservation covenants, sets up the Office for Environmental Protection and introduces nature and biodiversity requirements with regard:
- Local Nature Recovery Strategies
  - Biodiversity Net Gain
  - Strengthened biodiversity duty on public authorities
  - Strategic protected site and species strategies
  - New tree felling consultation requirements
- 1.14 The Act brings in mandatory biodiversity net gains from April 2023 and the requirement for biodiversity reports shortly afterward which need to be published as a minimum every five years. Little prescription is contained in the Act and the Planning Advisory Service are currently working on best practice guidance on how to comply with such a duty. It is expected that substance will be added as further reforms and guidance are announced.

- 1.15 Building Regulations were strengthened in relation to Part L in June 2022 which covers the conservation of fuel and power in the building of new homes in England, and establishes the minimum values of how energy efficient new and existing homes should be. The new building regulations require a 30% reduction in carbon when compared to 2013 Part L standards, and can be achieved through fabric first improvements to building design and then through the use of energy efficient technology. This may seem quite onerous but when compared with progressive requirements of the Local Plans policy for carbon zero ready by 2035 is a step in the right direction. In order to achieve the policy ambition, reductions in carbon of up to 75–80% will be required. The Governments expected Future Homes standard will set out the future direction for building regulations on this matter.
- 1.16 In addition to this work Officers have taken the opportunity to update many of the background papers which are required to support the Local Plan. This work has taken longer than originally expected to be completed not least due to uncertainty in the planning process and the pressures associated with new and other work streams but the need to build experience and capacity across the team as officers have moved on and new officers have joined.
- 1.17 Further information with regard risks to the timetable are set out in the LDS section 6.8.

## **2. Implications for the Local Plan Timetable**

- 2.1 The updated LDS timetable anticipates submission of the Plan toward March/April of next year, accompanied by the required statutory supporting documents including the Sustainability Appraisal, Habitat Regulation Assessment, LDS, and Statement of Community Involvement (SCI). In addition, the submission will need to be accompanied by all the supporting evidence, up to date background papers and the consultation documents from previous stages coupled with any tabled proposed modifications that address minor factual corrections and clarifications.
- 2.2 Given the intricate nature of policy writing and interrelations between the Plan, the Sustainability Appraisal and Habitat Regulation Assessment evidence, and the background papers, adherence to the programme will require appropriate, proportionate and timely decisions by members at the key meetings with no deferments. Submission is also dependent on further progress around nutrient neutrality and officers anticipated final legal and soundness review of the Plan.
- 2.3 Submission also requires liaison and examination contracts with the Planning Inspectorate, PINs, and once the LDS is approved these conversations will begin. The timeline for examination and adoption is based upon the most up to date information from PINs and should be seen as indicative as it is largely depended on the nature of the examination and key challenges at the time.
- 2.4 The timetable below is intended to show the remaining key decisions and stages required for the LDS. It reflects the large amount of preparation work that has been necessary to finalise the Plan and supporting evidence, the uncertainty brought about through constant national policy change and officers high workloads, including significant neighbourhood plan

intervention, non-Local Plan work and new work streams such as the coastal SPD that were not programmed, as well as staff turnover. This is postponement of adoption of approximately 2 years from the published Version 2 of the LDS and 5 ½ years from the original published Version 1 in 2015. This would mean that adoption of the Plan would most likely take place in 2024, although the emerging Local Plan would be a material consideration in planning decisions (albeit with reduced weight) from the date of publication.

| Stage   | Existing Milestones in Adopted LDS May 2020 | Updated Milestones December 2021 | Updated Proposed key decision dates and LDS Time Line December 2022 |
|---|---|----------------------------------|---|
| <b>Publication of Plan</b>  | Q3 2021                                     | Q1 2022                          | Q1 2022   |
| Planning Policy and Built Heritage Working Party – Regulation 19 feedback & proposed minor modifications – policies | -   | -                                | December 2022 (this meeting)  |
| <b>Cabinet</b>  | -   | -                                | January 2023  |
| Planning Policy and Built Heritage Working Party – Regulation 19 feedback & proposed minor modifications – Sites    |   |                                  | January 2023  |
| <b>Cabinet</b>  | -   | -                                | February 2023   |
| <b>Council</b>  | -   | -                                | February/<br>March 2023   |
| <b>Submission of Plan</b>   | Q4 2021                                     | Q3 2022                          | Q2 2023   |
| <b>Examination</b>  | Q1 2022                                     | Q4 2022                          | Q4 2023   |
| <b>Council</b>  |   |                                  | Q3 2024   |
| <b>Adoption</b>   | Q3 2022                                     | Q3 2023                          | Q3 2024   |

- 2.5 There is little scope for a further PPBHWP meeting in February as this would require additional Cabinet meetings and Council meetings to be scheduled prior to the pre-election period of sensitivity (formerly known as Purdah) which is expected to come into effect at the end of March.
- 2.6 Depending on how the submitted Draft Plan advances, and the pace of national policy change it may be necessary to propose further substantive modifications at the examination and/or add additional consultation stages to the above timetable which could have a bearing on the overall timetable, and which would require further updates to the LDS and bring with it significant risks. It's currently anticipated that submission to the proposed timeline would accord with any transitional arrangements should substantive changes to national policy be brought in in the near future.
- 2.7 In the period to when the Local Plan is adopted, there will remain a need to demonstrate on an annual basis a supply of deliverable housing sites

equivalent to five-year' worth of the housing target. Should this requirement remain (see paragraph 1.10), there will be a risk of greater pressure from speculative planning applications if an up-to-date Local Plan is not in place. The proposed timetable is intended to get a sound Plan in place as soon as practicable.

- 2.8 Since the last update to the LDS, a number of Neighbourhood Plans have also advanced and are likely to become part of the existing Development Plan for the relevant area in the near future, ahead of the Local Plan adoption. The list of 'made' neighbourhood plans has been updated along with the lists of those plans currently in production. Neighbourhood Plans are not produced by the Council however, given the Council's supporting role, members should note that their production takes a significant amount of officer time and expertise in order to progress and navigate the regulatory stages of their production. For these reasons the timeline for their production is indicative. The adoption of the Local Plan does however have significant implications for neighbourhood planning. The regulations require such plans to be tested at independent examination against the adopted Local Plan. Failure to also take into account conformity with the policies of the emerging Local Plan runs the risk that policies within neighbourhood plans could become "out of date" once the new Local Plan is adopted.
- 2.9 The revised LDS sets out the Council's anticipated timetable for producing the North Norfolk Council's Local Plan but this will need to be kept under review. The updated document is attached as an appendix to this report.

### **3. Recommendations**

- 3.1 Members of the Planning Policy & Built Heritage Working Party recommend to Cabinet the revised timetable for the submission, examination and adoption of the North Norfolk Local Plan and that the Local Development Scheme be brought into effect as of the date of the next meeting and published as required by section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).**

### **4 Legal Implications and Risks**

- 4.1 The Council must produce a Local Plan which complies with various regulatory and legal requirements and in determining its policy approaches must be justified and underpinned by up to date and proportionate evidence, be informed by appropriate sustainability appraisals and take account of and demonstrate how public feedback, national policy & guidance have been used to inform the production through the application of a consistent methodology.
- 4.2 The statutory process requires plan production to accord to the statutory requirements as set out in The Town and Country Planning (Local Planning), (England) Regulations 2012 (as amended). Failure to undertake Plan preparation in accordance with the regulations and NPPF is likely to render the plan 'unsound' at examination and result in the need to return to earlier stages. Substantial additional costs would be incurred.
- 4.3 There remains a residual risk of planning reform which, could undermine the production of the Plan to date through the proposed white paper along with

further changes to the National Planning Policy Framework, either through incremental changes or substantive changes leading to wholesale replacement. Early submission reduces the risks associated with changes in government policy and puts the authority in a stronger position to take advantage of any subsequent transitional arrangements should they be introduced. If production is extended there remains an increased risk of early Plan review, further evidence gathering and substantial time and costs along with increased pressure and challenge on the continued use of existing adopted policies.

## **5 Financial Implications and Risks**

- 5.1 Failure to undertake plan preparation in accordance with the regulations is likely to render challenge and result in less weight being given to the evidence documents and would result in further officer resources and associated costs.
- 5.2 This is an amendment to the timetable for the production of the North Norfolk's' Local Plan. The Local Plan and other planning documents are being produced from existing budgets.
- 5.3 If production is extended there remains an increased risk of early Plan review and substantial costs along with increased pressure and challenge on the continued use of existing adopted policies.

### **Appendix 1: LDS Version 3 (December 2022)**