

Housing and Planning Scrutiny Select Committee

03 December 2024

Part 1 - Public

Recommendation to Cabinet – Non-Key Decision



Cabinet Member	Cllr Mike Taylor - Cabinet Member for Planning
Responsible Officer	Eleanor Hoyle – Director of Planning, Housing and Environment
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Local Plan Engagement Strategy and estimated Local Plan budget

1 Summary and Purpose of Report

- 1.1 Following the Government's consultation (July – September 2024) on updates to the National Planning Policy Framework (NPPF) and Planning Reform, the Council has been progressing a number of workstreams following the consultation and the September 2024 HPSCC, where a number of agenda items were identified for future HPSCC meetings.
- 1.2 A revised NPPF has not been published to date, therefore the focus of this report relates to the Local Plan Engagement and Consultation Strategy (item VII from the September HPSCC proposed agenda), with a brief update on our understanding of the emerging Local Plan budget requirements. It is not possible to report on the other noted future agenda items until a revised NPPF is published.
- 1.3 The Local Plan Engagement and Consultation Strategy builds on the current Statement of Community Involvement (SCI) that was adopted in September 2022. The Engagement Strategy provides further detail in relation to the engagement process that we will take both internally within the Council, including other Council services and with Council Members, as well as externally with stakeholders and our communities.

2 Corporate Strategy Priority Area

- 2.1 The report will contribute to the following corporate priorities:
 - Efficient services for all our residents, maintaining an effective council.
 - Sustaining a borough which cares for the environment.

- Improving housing options for local people whilst protecting our outdoor areas of importance.
- Investing in our local economy.

2.2 The Local Plan once progressed to adoption will be the key planning document for TMBC, setting out the Council's strategy for land use. Engagement is an essential and critical part of the plan-making process providing an opportunity for members, communities, partners and stakeholders to be involved, having a say in how to shape the places in which we live. It is also important for consultation and engagement to be effective.

3 Recommendations

HPSSC is asked to recommend to Cabinet the:

- 3.1 APPROVAL of the Local Plan Engagement and Consultation Strategy.
- 3.2 Endorse the Engagement Programme set out at Annex 2.
- 3.3 NOTE the updates provided in relation to the Local Plan including the likely increase in the annual allocation to the Local Plan reserve that will be required to progress a Local Plan under a revised NPPF.

4 Introduction and Background

- 4.1 At the 24th of September 2024 meeting of this Committee, Members noted the draft response to the Government's NPPF and planning reform consultation that took place from 30th July – 24th September 2024. Members also noted a number of annexes to the report including a summary of the implications of the draft NPPF provided as part of the Government's consultation on plan-making and implications of this on the local plan work programme and local plan evidence gathering.
- 4.2 A commitment was made at the September HPSSC to bring a number of agenda items to future HSPSSC, if it was possible to do so, considering the date of publication of a revised NPPF and time to consider the revisions and the implications of these. To date a revised NPPF has not been published by the Government and therefore it is only possible to bring one agenda item to this committee, that being a Local Plan Engagement and Consultation Strategy. However, we have also provided a brief interim update in relation to the Local Plan work we are progressing ahead of a revised NPPF.

5 Engagement and Consultation Strategy

- 5.1 Engagement is an essential and critical part of the plan-making process providing an opportunity for members, communities, partners and stakeholders to be involved, having a say in how to shape the places in which we live. It is also

important for consultation and engagement to be effective. The extended time provided by the transitional arrangements for Local Plan submission provides an opportunity to consider the most effective ways for local plan engagement and consultation.

- 5.2 The Council has a duty under the Town and Country Planning (Local Planning)(England) Regulations 2012 (as amended) to consult with a number of different groups, as set out in the Regulations, at key stages of the local plan preparation process. In addition, under the Localism Act 2011 the Council has a legal duty to engage constructively, actively and on an on-going basis with duty to cooperate bodies to maximise the effectiveness of local plan preparation relating to strategic cross-boundary matters. The Engagement Strategy provides further detail on this.
- 5.3 The Council's adopted Statement of Community Involvement (SCI) (2022) sets out the Council's approach to engaging the community in the planning process. The Local Plan Engagement and Consultation Strategy has been prepared to expand on the Council's SCI and to set out the approach that we will take to consulting and engaging on the next stages of our emerging Local Plan. The document sets out the engagement process that we will take both internally and externally, with Council Members, officers in other relevant Council services, external partners and stakeholders, Parish Council's and communities. Setting this out ensures that the process that we take is transparent with the aim of increasing awareness and levels of participation in the Local Plan process.
- 5.4 The Engagement and Consultation Strategy is provided at **Annex 1**. It sets out the consultation details against each of the key local plan stages, sets out who will be engaged at the various stages and also the engagement and consultation methods that will be used.
- 5.5 Work has also been undertaken to devise a Council Member, Council officer and Parish Council engagement programme. This is not presented in detail within the engagement strategy given that the document is a high-level and public facing document. However, further detail of our Local Plan engagement programme is presented in Annex 2. Please note that this is draft, timescales or dates for meetings have not been provided as these partly rely on the publication of a revised NPPF. There may also need to be a change in the order of the programme, taking into account timescales for obtaining evidence to support plan-making. Notwithstanding this, **Annex 2** sets out the fundamental aspects of member and officer engagement.

6 Interim Local Plan update

- 6.1 It was reported to the 24th September HPSSC Committee that one of the main implications of a revised NPPF will be the requirement to update or revise the emerging Local Plan position to meet new national policy requirements to ensure a robust Local Plan. This includes the consideration of meeting a higher housing

target as well as a consideration of new national policy and guidance in relation to the Green Belt, amongst other changes.

- 6.2 Based on our current understanding of likely revisions to the NPPF, work has been undertaken to understand Local Plan requirements more fully, allowing a programme of work to be understood and costs to be identified over the plan production period. Although work has been undertaken, we are unable to confirm the exact Local Plan timetable or estimated costs until the Government provide a response to the NPPF consultation and publish a new NPPF, providing us with greater certainty. The Local Plan programme of work and the estimated budget requirements will therefore be presented to HPSSC early next year.
- 6.3 However, ahead of this, we would like Members to note that a revised NPPF, should this include the changes made as per those in the consultation draft, will require an increase to the annual allocation of funds into the Local Plan reserve. Further detail on the estimated Local Plan budget will be provided at a future HPSSC meeting once a revised NPPF is published, which will provide added certainty in relation to the Local Plan timetable and costs required.
- 6.4 In considering costs, it is likely that the evidence base requirements will be the largest cost. The Council has progressed certain evidence bases to support the 2022 consultation stage and also the consultation stage that was due to take place this year before pausing the Local Plan at the end of July 2024. Progressing a Local Plan under a revised NPPF will incur costs associated with updating the emerging evidence to support the next Regulation 18 consultation as well as progressing further evidence to support the new Regulation 18 and subsequent Regulation 19 consultation stage. Evidence gathering has been and will continue to be a key and essential part of the Local Plan process and it will be critical for any updated or revised evidence to feed into the emerging Local Plan to ensure that it is found sound at examination.
- 6.5 In light of a revised NPPF, particularly around green belt policy and increased development requirements, evidence that was not previously budgeted for will be required. This includes landscape evidence such as a borough-wide landscape character study, landscape sensitivity assessments for the borough and also for potential sites and a landscape sensitivity assessment for renewable energy. This will be required given that national policy for Green Belt will be weakened including where we cannot demonstrate a 5-year housing land supply. This work will assist in Local Plan policy formulation and in identifying suitable sites to deliver sustainable development by ensuring that the most valued landscapes are protected. It will also assist in planning application considerations and decisions. To meet Local Plan timescales, it is essential to progress this work now, using the current Local Plan budget.
- 6.6 Other evidence base work that has been progressed to-date will either require updates or will need to be re-run / re-considered against the requirements of a revised NPPF and the emerging Local Plan, for example, Green belt evidence,

transport modelling, Sustainability Appraisal and Habitats Regulations Assessment. It will also be necessary to update other evidence including that relating to housing, the economy, infrastructure and the environment to account for national policy changes and / or an increase in housing / employment requirements. The level of updates required and their associated costs will vary for different evidence bases.

- 6.7 It will be necessary to engage certain consultants as soon as possible, particularly in relation to work associated with the Green Belt and also Sustainability Appraisal. Procurement will need to be progressed for this work utilising the existing Local Plan budget.
- 6.8 It is worth noting that much of the evidence base work already undertaken would require updating without a revised NPPF due to the iterative process of plan-making, however, a revised NPPF will require changes to methodologies, consideration of new national policy or a consideration of national policy in a different way. This means that certain evidence bases that have already been progressed will not meet a revised NPPF or will require additional work to ensure that they are policy compliant.
- 6.9 We would also like Members to note that submitting a Local Plan no later than December 2026 which is the current timeframe outlined in the NPPF consultation, will be tight. We will therefore be taking a report to General Purposes Committee in January 2025 to request a moderate boost to the planning policy staff resource on a permanent basis to help deliver the new Local Plan within the timescales provided by the Government. Please note that staffing is a separate Council budget, therefore permanent staff costs will not be included in Local Plan budget considerations.

7 Financial and Value for Money Considerations

- 7.1 Whilst we are awaiting the revised NPPF to be published, it is worth noting now that there will be direct financial and value for money considerations associated with Local Plan preparation beyond that which was originally identified before the 30th July 2024 NPPF consultation and the pausing of the Local Plan.
- 7.2 The Government are clear that LPAs at the early stages in plan-making will be required to take plans forward in accordance with a revised NPPF once this is published. Members will be aware that Local Plan expenditure is funded from the Council's earmarked reserve. Given the fundamental changes proposed and the implications of these, this report notes that an increase in the annual allocation to the Local Plan reserve will be required to deliver a Local Plan that meets policy changes that will be included in a revised NPPF. The estimation of costs will be confirmed once a revised NPPF is published. In the meantime, table 1 below details Local Plan actual spend between 1st April 2020 – 31st March 2024. This is provided to identify to members the cost of preparing a Local Plan so far and to also identify the available budget for 2024/25.

Table 1: Local Plan (actual) budget (1st April 2020 – 31st March 2024)

Local Plan budget (1st April 2020 – 31st March 2024)	Actual Spend			
	2020/21	2021/22	2022/23	2023/24
	£	£	£	£
Opening balance	34,908	220,725	938,300	834,798
Local Plan top up contribution	377,193	830,000	80,000	80,000
External spend - supplies and services	(191,376)	(112,425)	(175,465)	(295,644)
Additional Staffing	0.00	0.00	(8,037)	(45,000)
Closing balance	220,725	938,300	834,798	574,154

7.3 Following a contribution to the reserve of £425,000, the available balance for the 1st April 2024/25 was £999,154. Expenditure during the course of the financial year results in a closing balance as of the end of October 2024 of £827,034.

Table 2: Local Plan (actual) budget (1st April 2024 – 31st October 2024)

Local Plan budget (1st April 2024 – 31st October 2024)	2024/25
	£
Opening balance	574,154
Local Plan top up contribution	425,000
External spend - supplies and services	(172,120)
Closing balance	827,034

7.4 As set out above, to meet the December 2026 Local Plan submission deadline it is critical to procure certain workstreams to get consultants in place for when a revised NPPF is published. The existing budget will be utilised to reduce risks later on down the line to meeting the Local Plan timetable.

7.5 A report has recently been taken to Finance, Regeneration and Property Scrutiny Select Committee setting out the Medium-Term Financial Strategy (MTFS). This report notes the current annual contribution of £80k to the Local Plan budget and provides an interim increase to £160k, taking into account that the current annual contribution of £80k is likely to be insufficient to meet the requirements of a new NPPF and submission timescales. Given the work that will be required to produce a national policy compliant Local Plan, it is likely that additional funds beyond the £160k currently identified in the MTFS will be required. Further updates to the figure presented in the MTFS will be considered as soon as it is possible to do so in line with the publication of a revised NPPF.

- 7.6 As relevant to the Engagement Strategy, there will also be financial and value for money considerations and these will be included in the budget considerations presented in this report.

8 Risk Assessment

- 8.1 The preparation of the new Local Plan will provide the council with an up-to-date Local Plan on adoption. This will alleviate the current risks associated with not having an up-to-date development plan in place. The Government are clear within the consultation that it is unacceptable for LPAs to not make a Local Plan and are considering updating the intervention criteria given the criticality of local plans to the Government's housing and economic development agenda. The Government are also clear that plans should continue to be progressed under the existing planning system without delay and have provided transitional arrangements to achieve this where all plans will need to be submitted no later than December 2026.
- 8.2 A number of Corporate Risks are relevant including staffing challenges in planning services and a corporate risk directly associated with the Local Plan. An updated Risk Assessment was provided as an Annexe to the 24th of September 2024 HPSCC report. This is again relevant here and has been provided in Annex 3. An additional risk has been added which relates to the delivery of the Local Plan should Members not agree to the Local Plan budget once this is presented in the new year.

9 Legal Implications

- 9.1 Local Planning Authorities are required to prepare and keep an up-to-date development plan for their area. The Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.

10 Consultation and Communications

- 10.1 Subject to approval by Cabinet, the Engagement and Consultation Strategy can be published on the Council's Local Plan webpages and the approaches set out progressed at the various Local Plan stages.

11 Implementation

- 11.1 The Local Plan is on-going work. The LDS will be brought before HSPCC early next year setting out the timelines of the Local Plan and other relevant documents. Having an agreed budget for 2025-2028 which will be presented to Members early next year will be key to progressing and achieving an adopted Local Plan.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 Adaptation and resilience have been considered.

12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report. Climate change has been considered in devising the engagement strategy through methods of consultation, such as providing information and exhibitions online during consultation to reduce car use. The remainder of the report provides an update to budgetary requirements and therefore has minimal relevance.

12.2 Equalities and Diversity

12.2.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users.

12.2.2 The Engagement and Consultation Strategy provides further detail to that provided in the Council's adopted Statement of Community Involvement and both documents ensure that engagement and consultation at the various Local Plan stages are accessible to all.

12.2.3 The impact of this report has been considered and does not vary between groups of people.

12.3 Other If Relevant

- Business Continuity / Resilience
- Data Protection

12.3.1 The above selected options are relevant to this report for the following reasons:

Business Continuity / Resilience

12.3.2 Once progressed, identifying an estimated budget will assist with the Council's business continuity / resilience. Whilst we are awaiting the publication of a revised NPPF, noting that an increase in the annual allocation to the Local Plan reserve is useful to enable the Council to plan for the additional budget required including risk assessments.

Data protection

12.3.3 The engagement strategy sets out how we will consult with communities and stakeholders including the use of software platforms. Data protection is a key consideration within the work we do. The Council holds information within databases to enable us to consult on the Local Plan as well as gather information for the Council's Local Plan evidence, such as the Land Availability Assessment. and data protection consultation process. Databases are kept up to date and used to keep registered individuals, organisations and groups informed on the production of any planning policy documents. In order to accord with the requirements of the General Data Protection Regulations (GDPR) 2018, those wishing to be contacted in relation to community engagement and updates to the Local Plan, must register with TMBC. In compliance with GDPR, contact details cannot be shared.

Background Papers	None
Annexes	Annex 1 – Local Plan Engagement and Consultation Strategy Annex 2 - Engagement Programme Annex 3 – Local Plan Risk Register