

## NOTICE OF MOTION – LOCAL PLAN

To be proposed by Councillor Tim Hamilton-Cox and seconded by Councillor Caroline Jackson and Dave Brookes

This council notes that:

1) Among the four recommendations approved by full council on 20th December in connection with 'Advancing the Local Plan for Lancaster district', the second recommendation stated:

'[Full council] Delegates to the Chief Officer (Regeneration and Planning) the authority to make minor changes to improve the clarity, consistency and appearance of the documents and policies maps, and, insert additional illustrative or factual material prior to formal publication and submission.'

2) The edition of the 'STRATEGIC POLICIES & LAND ALLOCATIONS DPD - PRE EXAMINATION (AUGUST 2018) presented to Planning Policy cabinet liaison group (PPCLG) at its meeting on 11th September, contained a significant number of 'suggested modifications' which were described variously as both 'minor' and 'main'.

3) PPCLG 'is a non-decision making consultative forum' and therefore is not in a position to formally approve the suggested 'main' modifications on behalf of full council.

Accordingly, full council resolves to bring the edition of the 'STRATEGIC POLICIES & LAND ALLOCATIONS DPD', which is to be submitted to the public examination starting in January 2019, back to full council on 14th November. This will ensure that full council has an opportunity to debate the revised content, and to amend and approve the development plan document as necessary.

## OFFICER BRIEFING NOTE

On 20<sup>th</sup> December 2017 Lancaster City Council made a formal decision to publish and submit its Local Plan documents to the Government for Examination. Officers did make changes which fall within the definition provided by the recommendation that accompanied the report. The Local Plan documents were formally submitted to the Government on 15<sup>th</sup> May 2018. At that point the independent Examination of the Council's submitted Local Plan commenced. The Inspector is charged with determining if the plan **as submitted** has been properly prepared, that is, to determine if it is "sound".

The Inspector, Richard McCoy, has only three options: he can conclude that the;

- Local Plan as submitted is sound
- Local Plan as submitted is unsound
- Local Plan as submitted, but with modifications, can meet both the legal requirements and the criteria for soundness in the National Planning Policy Framework.

By far the most common outcome from Local Plan Examinations is the third option and it would be unrealistic to anticipate that complex Local Plan documents will be found sound precisely as submitted. Planning Inspectors are advised to work proactively with the local planning authorities to clarify and address any fundamental concerns identified. Where an Inspector is likely to conclude that the plan could be made sound with modifications he will be asked by the Council to recommend modifications to the Local Plan that would address the issues with soundness or procedural requirements that he has identified.

For clarity, the Inspector can only recommend modifications if he asked to do so by the Council. If the Council requests that the Inspector recommends modifications then these will

be set out in an appendix to his report. The Council must then choose to either **adopt** the Local Plan that it prepared and submitted with the modifications that it asked the Inspector to make, or, to **not adopt** the Local Plan that it prepared and submitted with the modifications that it asked the Inspector to make.

As the Examination hearing sessions do not commence until January 2019, the process has not reached that point yet.

In order for it to be reported to Council in December 2017 the Local Plan as published was very largely complete by the autumn of 2017. In the intervening 12 months there have been significant changes to national policy, including the publication of the new National Planning Policy Framework, updates to Planning Practice Guidance, and updates to many evidence base documents, including the annual housing land monitoring report. It is prudent to ensure that consideration is given to the implication of these updates on the effectiveness of the Local Plan's content.

The Planning Policy Cabinet Liaison Group (PPCLG) was not asked to formally approve the suggested 'main' modifications on behalf of full council. Specifically, in the capacity of advising the cabinet member, the report asked for acknowledgement of the continuing preparation of the evidence base which informs the Local Plan and the **endorsement of draft suggested Modifications** to the Local Plan which had been prepared to provide greater clarity and respond to some of the issues raised by representations received following publication.

Members were advised that it would be useful to undertake a period of informal consultation in the autumn on these draft suggested modifications as this would provide an opportunity for informal comments to be received from any party who had a view on how the Local Plan might be revised to take account of the comments that they made during the formal publication period and changing circumstances. The draft suggested Modifications have no formal status. Similar informal consultations have been held prior to the Examination of all previous Development Plan Documents. Previously Local Plan Inspectors have found it useful to have an indication from the Council of how the Local Plan's content could be revised to take account of comments received and updated evidence in advance of the Examination Hearing sessions. Consideration of how wording changes could resolve issue can help shape the Inspector's consideration of the submitted documents.

In the period following the Hearing Sessions that the Council will need to ask the Inspector to recommend modifications to the Local Plan that would address any issues with soundness or procedural requirements that he has identified. Any such modifications may be shaped by the Inspector's consideration, at the Examination Hearing Sessions, of the draft suggested modifications and informal responses received.

It is anticipated that the request for the Inspector to make recommendations on modifications, if required, following the Hearing Sessions, would be made by the Portfolio Holder for Regeneration and Planning.

However, the decision on whether or not to adopt the Local Plan with the Inspector's recommendations, if he is minded to find it sound, can only be made by full Council. This is anticipated in 2019.

## **FINANCIAL IMPACT**

N/A

## **SECTION 151 OFFICER COMMENTS**

The Deputy Section 151 Officer has been consulted and has no further comments.

**MONITORING OFFICER COMMENTS**

The Monitoring Officer has seen this note. The Cabinet Liaison Group advises the Cabinet Member. The modifications are usually are designed to assist the inspector to understand the impact of changes in regulations or central government. At the conclusion of the process full council will be asked to adopt or not adopt the local plan.