

QUESTIONS UNDER COUNCIL PROCEDURE RULE 12

Questions from Councillor Cooper to Councillor Caroline Jackson

1. *“Outside of the wider consultation on the proposed licensing regime in the West End, Heysham North and Poulton, what powers do the Council have to address anti-social behaviour committed by tenants of private rented accommodation which is impacting upon other residents in the area?”*
2. *“What assistance can the Council provide to Ward Councillors to help tackle these issues?”*

Councillor Caroline Jackson replied:

The powers that we hold do not cover private rented accommodation we would need to use the powers of the police. In terms of most sorts of anti-social behaviour where we could become involved would be areas such as noise nuisance which would be environmental health.

Question from Councillor Fish to Councillor Parr

“When will the Local Plan review begin, and what is the timescale?”

Councillor Parr responded:

Process for Reviewing Local Plans

Preparing a new local plan is a significant undertaking in terms of both making a public commitment to do so and in committing local authority resources.

Section 15 of the Planning and Compulsory Purchase Act 2004 states that local planning authorities must prepare and maintain a “local development scheme” [LDS]. The LDS must state which local plans the authority intends to prepare and the timetable for doing so.

National Planning Practice Guidance requires local planning authorities to keep their LDS up-to-date and to publicise it on their website. Lancaster’s LDS is published on its’ website.

Lancaster District Local Plan Review Mechanism and Likely Timescales

The current District Local Plan was adopted in July 2020. It contains a Local Plan Review Mechanism policy. This states that the Council is obliged to review the Local Plan within 5 years of the date of adoption, or earlier if there has been a significant change in circumstances which substantially alter key aspects of the Plan.

Last week’s announcement by Lancashire County Council regarding the Housing Infrastructure Fund and South Lancaster would represent a significant change of circumstances. The announcement means that anticipated infrastructure is unlikely to come forward in the short-term, and that this will affect the future rate of delivery of key strategic sites.

The Local Plan Review Mechanism policy says that such a Local Plan review should be undertaken as soon as possible, and in any event within 2 years from the date of a commitment to a review being made.

Members are advised that local plans are complex and challenging documents to prepare, and experience has shown that Local Plan preparation can take longer than 2.5 years. A guaranteed timescale cannot be provided because some stages of the plan-making process,

including the independent examination by a Planning Inspector, are stages that are beyond the control of the local planning authority.

Should a new plan be commenced, the current Local Plan (which is still in the latter stages of being partially reviewed to better address the challenges of the Climate Emergency), will remain in place until it is replaced by the formal adoption of a new Local Plan. For that reason, the City Council is in a good position regarding its' plan-making activity.

Role of Cabinet and Suggested Next Steps

When significant amendments are proposed to the Council's programme of work which will likely have implications for resources such as preparing a new Local Plan, then the matter is formally considered by Cabinet.

Most recently, in September 2020, on the recommendation of the relevant Portfolio Holder, Cabinet resolved to undertake the Climate Emergency Review of the recently adopted Local Plan, and then again, in October 2020, Cabinet resolved to prepare the Lancaster South Area Action Plan.

It is likely that a report will be prepared for Cabinet by the Chief Officer for Planning and Climate Change to provide Cabinet with the opportunity to formally consider the reasons for the Local Plan to be reviewed and to consider the consequences for resources.

Should Cabinet resolve to review the Local Plan, the LDS would be updated accordingly so that the community and stakeholders would be made aware of the Council's intentions and its new Local Plan timetable.

National Considerations – Changes to Local Plan System

Members are further advised that the government has been consulting on potentially significant changes to Local Plan preparation processes, which creates some doubt about the future process of plan-making.

The Government has indicated that new guidance for plan-making is anticipated to be introduced in "*late 2024*". Local Planning Authorities will be given until 30 June 2025 to submit plans commenced under the existing legal framework and until 31 December 2026 for such plans to be adopted, including all the independent examinations processes.

Authorities that begin a Local Plan before the introduction of the new system but did not then meet the 30 June 2025 submission deadline would need to prepare a plan under the new system. Once the new system is introduced the government has indicated that Councils would be required to start work on a new style plan within 5 years of the adoption of their previous plan and that this new style plan must be adopted within 30 months of being formally commenced.

Conclusion

The circumstances for reviewing the Local Plan as described in the adopted Local Plan Review Mechanism Policy have likely been engaged by last week's news.

However, in the context of the government's stated intentions around changes to plan making, it is advised that Cabinet will need to consider the implications of the timing of commencing a Local Plan Review under the existing national system or alternatively, after the introduction of a revised national local plan-making system.

Councillor Fish asked a supplementary question:

Is there any indication at this stage whether we would decide on the old system or the new system? Is that totally up in the air at the moment?

Councillor Parr replied:

I wouldn't say it was up in the air but we will be beginning a local plan review group which will involve updating everyone on the status of the climate change review getting well imbedded into the local plan process. Hopefully, and I make no promises, we will be able to start a formal local plan group. We need to be sure where we are with deadlines and acceptance of the climate change review first. But we will be putting ourselves in a position where we can get going as soon as possible.