

Resourcing the Review of the Lancaster District Local Plan

5 December 2023

Report of Chief Officer – Planning and Climate Change

PURPOSE OF REPORT			
To secure resourcing to support the Review of the Lancaster District Local Plan.			
Key Decision	Y	Non-Key Decision	Referral from Cabinet Member
Date of notice of forthcoming key decision	6 th November 2023		
This report is public			

RECOMMENDATION OF COUNCILLOR JEAN PARR

- (1) That Cabinet approves the release from reserves for the reasons as described within this report and presented in the Financial Implications section to enable the review of the adopted Local Plan for Lancaster District during the remainder of financial year 2023/24 and continuing in 2024/25 and 2025/26.

1.0 Introduction

- 1.1 On 12 September 2023 Cabinet considered a report of the Chief Officer – Planning and Climate Change that set out the current Local Plan position within the district, considering the recent announcement by Lancashire County Council regarding the Housing Infrastructure Fund. The report also identified a series of options for plan-making and asked that Cabinet indicated their preferred option. Cabinet resolved unanimously that the Council should cease work on the Lancaster South Area Action Plan and commence a full review of the Local Plan for Lancaster District.
- 1.2 Cabinet also resolved that a report should be prepared for Full Council amending the Local Development Scheme (LDS) (project timetable). Accordingly, on 27 September 2023, Council considered a further report describing the Local Development Plan Documents (“Local Plan”) that the Council would prepare along with an LDS timetable for their preparation. Council subsequently approved the LDS for publication along with a process of delegation for minor updates.
- 1.3 The Financial Implications section of the September report to Council advised that while there were no direct financial implications from the adoption and publication of a Local Development Scheme, there would be significant resource and financial implications associated with the preparation of a full Local Plan Review, the impact of which would be detailed by the Chief Officer of Planning and Climate Change in a

future Cabinet report.

- 1.4 It is this Cabinet Report that provides that detail. It sets out the financial implications and recommends that resources are released from reserves for deployment over the remainder of this financial year and the next two financial years to enable the review of the Local Plan to be achieved.

2.0 Proposal Details

- 2.1 Cabinet Members are already aware that local planning authorities are legally obliged to maintain an up-to-date Local Development Plan. It is a significant undertaking, and it requires an effective and resourced programme of project management, often set against continually changing real-world circumstances to ensure that the plan is properly prepared and informed by relevant and proportionate evidence.

- 2.2 Officers have considered the types of evidence that would be required to support the preparation of a new Local Plan. Some of the evidence which is required for the Full Review will be undertaken internally by officers within the Planning & Climate Change Service. However, some elements of evidence will require appropriately qualified external experts to provide independent and objective advice. The independent and objective advice provided is then considered by the Council's planning professionals in the context of all other evidence during the preparation of development plan policies.

- 2.3 The range of evidence which will require external assistance will include;

- Strategic Housing Market Assessment
- Gypsy & Travelling Showpeople Accommodation Assessment
- Employment Land Review
- Economic Opportunities Strategy
- Retail Assessment
- Sustainable Travel Strategy
- Highway Assessment of Development Strategy and Allocations
- Air Quality Assessment
- Open Spaces Assessment
- Built Sports and Recreation Facilities Study
- Ecological Assessments for potential development allocations
- Bird Survey Data and Analysis
- Landscape Assessment for Emerging Allocations
- Heritage Statements for Emerging Allocations
- Strategic Flood Risk Assessment – Spatial Development Strategy
- Strategic Flood Risk Assessment - Emerging Allocations
- Carbon Impact Assessment
- Landscape Assessment for Renewable Energy and Battery Storage
- Energy Review and Modelling
- Assessment of Inclusivity

- 2.4 During its preparation the evolving Local Plan must also be subject to Sustainability Appraisal, Habitats Regulation Assessment, and a Viability Assessment.

- 2.5 Finally, the Local Plan will need to be submitted to Government for Examination. The substantial cost of the Independent Examination process is borne by the Council. The Council will also incur costs for legal advice during the preparation of the plan and then at the Examination Hearing Stages.

- 2.6 The preparation of a Local Plan is not a linear and predictable process; consideration of the evidence can mean that further evidence is required; for example if development allocations cannot be advanced due to ecological constraints such as protected nesting bird species, then alternative options would need to be identified and assessed. The overall cost and time period for preparing a plan is subject to continual re-appraisal.
- 2.7 Members will recall that in the report to Cabinet on Future Local Plan Options on 12 September 2023 the Chief Officer – Planning and Climate Change advised of the additional challenge presently facing local planning authorities preparing local plans as a consequence of the government’s announcements about proposed changes to the national plan-making system.
- 2.8 Under the proposed changes, all Local Plans submitted under the existing system should be submitted for Examination by 30 June 2025. Government has said that “those plans will, in general need to be adopted by 31 December 2026”. 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 then need to prepare a Plan wholly under the new system. The new system will require the engagement and endorsement of the Planning Inspectorate to initiate the formal commencement of the plan preparation.
- 2.9 Presently it is anticipated that for a local plan to be prepared in accordance with the current national plan-making system the preparation and adoption processes would fall over three financial years – the remainder of this financial year, then 2024/25 and 2025/26. The greater part of the cost of procuring external evidence would fall in financial year 2024/25.
- 2.10 Officers advise that the total cost of externally procured evidence is in the order of £690,000 and the cost of Examination and legal representation is estimated at £130,000. The total projected estimate of cost for the Local Plan review process would therefore be around £820,000, spread over 3 financial years. Taking existing recurring consultancy budgets into account leaves a net reserves request of £727,000.
- 2.11 Though not forming part of the request in this report, investment in the Council’s software that supports better spatial data management and digital consultation experiences, along with interactive consultations and the government’s objectives for better digital approaches, would also be greatly beneficial. Modern software solutions and systems that might offer additional corporate benefits for data management, and any opportunities for grant funding support, will continue to be explored by officers.

3.0 Details of Consultation

- 3.1 This early stage of Plan timetabling and resourcing does not require statutory consultation, although both previous reports regarding the Local Plan (12 September to Cabinet and 27 September to Council) were public reports. The Council’s local planning authority will consult with the local community, partners, infrastructure providers, stakeholders, and developers regarding the preparation of the Local Plan in accordance with national regulatory requirements and obligations and in accordance with the Council’s own approved Statement of Community Involvement (SCI).

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Resolve to resource the preparation of the revised Local Plan in accordance with the recent previous Cabinet and Council resolutions.	Option 2: Resolve not to resource the preparation of the revised Local Plan in accordance with the recent previous Cabinet and Council resolutions.
Advantages	The Council will enable its officers to prepare a reviewed local plan. Having an up to date development plan is a responsibility of the authority; the need to review the plan was agreed by Cabinet in September this year and is in effect unavoidable given that it is evident the delivery of development requirements cannot now be achieved in accordance with the policies of the adopted plan. If the Council does not resource the decision to review the plan now it will have to do so in the not too distant future in any case as the Council would need to commence the review of its adopted Local Plan by July 2025.	By delaying a decision to enable the review of Local Plan and maintaining reserves until such time as it does resolve to resource the necessary review of the Local Plan, the Council would retain its reserves for a longer period of time.
Disadvantages	None are apparent; except for a delay in a decision to release resources to review the Local Plan until a later date.	The Council would not enable its officers to prepare a review the local plan. The Council would therefore be a position of having acknowledged the need to review its local plan and resolved to do so; but would not have enabled that resolution to be achieved by resourcing it.
Risks	Members have been made aware at both Cabinet and Council meetings in September of this year that the government has announced proposed changes to the national plan-making system. If the review of the Local Plan enabled by this decision is not completed by the end of 2026, or alternatively the Council later resolves to prepare a plan in accordance with the new national plan-making system, then prospectively some of the evidence that is procured to inform a review of the Local Plan under the current system may need to be refreshed and incur further cost.	There would be a clear reputational risk to the Council arising from the evident inconsistency of having resolved that its Local Plan should be reviewed in September but then conversely not enabling that review to be undertaken by virtue of a decision in December. Meanwhile with the passing of time before the Local Plan would have to be reviewed in any case it would become increasingly difficult for the Council to maintain confidence in the relevance of the strategic policies of its Local Plan and continue to convincingly advocate the relevance of these policies in the determination of planning application proposals.

5.0 Officer Preferred Option (and comments)

- 5.1 The officer recommendation is Option 1; to resolve to approve the recommendation of this report and thereby resource the preparation of the revised Local Plan in accordance with the recent previous Cabinet and Council resolutions.
- 5.2 As previously advised the timetabling risks associated with the preferred option are very challenging, but it is considered to be the most appropriate response to recent developments and the likely emerging patterns of development within the district.

6.0 Conclusion

- 6.1 Although the Local Plan was adopted as recently as July 2020, in light of significant changes in circumstances, most particularly relating to the funding of strategic infrastructure in south Lancaster, the City Council has recently acknowledged (at Cabinet and Full Council) the need to review the Local Plan and has resolved to do so. This report seeks the release of resources to enable the review to be undertaken. Maintaining an up to date development plan is a responsibility of the Council, thus the need to resource a review of the local plan would need to be taken at a later date in any case. By progressing the review now the Council can demonstrate that it is taking the appropriate and reasonable measures to ensure that it revisits its current development requirements and develops policies to enable delivery them.

RELATIONSHIP TO POLICY FRAMEWORK

The preparation of Local Plan Documents which are part of the Council's Development Plan are part of the Council's Policy Framework (See Section 2.3 (c) of the Council's Constitution). The Council is obliged to prepare and maintain the Development Plan for Lancaster District as described by Section 19 of the Planning and Compulsory Purchase Act 2004. Cabinet and Council have concluded that the Local Plan documents adopted in July 2020 (and currently being partially reviewed to better address the challenge of Climate Change) should be fully reviewed. This report seeks the release of resources needed to undertake that review.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)**

The report sets out two options for plan-making. None of the options have adverse impacts on the matters listed above. Whichever option is agreed, national guidance will prescribe the relevant stages of plan making that must then be followed, including statutory stages of consultation and plan examination.

LEGAL IMPLICATIONS

There are no legal implications directly arising from this report. Whichever option is agreed, the local planning authority will follow the regulatory plan-making process.

FINANCIAL IMPLICATIONS

Option 1 recommends that resources are released from reserves for deployment over the remainder of this financial year and the next three financial years to enable the review of the Local Plan to be achieved. Details of the estimated costs of advancing the revised Local Pak are provided below. The precise timing of external contract procurement will depend on progress made in advancing through the stages of development plan preparation.

	2023/24	2024/25	2025/26	Total
New Local Plan Expenditure (externally procured evidence)	235,000	455,000	0	690,000
Local Plan Examination and legal representation	0	0	130,000	130,000
Gross Expenditure	235,000	455,000	130,000	820,000
Existing Consultancy Budget	(28,000)	(32,500)	(32,500)	(93,000)
Net Expenditure	207,000	422,500	97,500	727,000

OTHER RESOURCE IMPLICATIONS

None directly arising from this report.

SECTION 151 OFFICER'S COMMENTS

The 151 Officer has been consulted and has no additional comments to make.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments to add.

BACKGROUND PAPERS

None

Contact Officer: Maurice Brophy
Telephone: 01524 582330
E-mail: mbrophy@lancaster.gov.uk