

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the council's definition and has been included in the relevant Forward Plan

**Report of the Place
Executive Director**

Local Plan – Progress and update of Local Development Scheme

1. Purpose of report

- 1.1 The purpose of this report is to update members on general progress with submission of the Local Plan and to seek authority to update the Local Development Scheme as required as further details on the timescales emerge through the examination process.

2. Recommendations

- 2.1. **That the timescales in the current Local Development Scheme be updated.**
- 2.2 **That authority is delegated to the Head of Planning and Building Control to amend the Local Development Scheme as required during the Local Plan examination and to reflect progress on a South Yorkshire Joint Waste Plan.**
- 2.3 **That authority is delegated to the Head of Planning and Building Control to make a formal request to the Inspector under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended) to recommend main modifications to ensure the Local Plan meets the tests of soundness.**
- 2.4 **That approval is given to extend the Programme Officer Post to the end of 2017/18.**
- 2.5 **That following the Fixing our Broken Housing Market White Paper, we implement the 20% increase in planning fees from July 2017.**

3. Introduction

- 3.1 The last update of the Local Development Scheme was approved by Cabinet on 15th July 2015. The timescales it contains for Additional Consultation and Publication consultation have been adhered to. These were October/November 2015 and June/July 2016 respectively. The timescale for submission slipped slightly due to the unprecedented volume of representations received.

- 3.2 The Local Plan was submitted to the Secretary of State for examination on 23rd December 2016. An independent Planning Inspector has been appointed to carry out the examination.
- 3.3 Until we have further clarity on the timetable for the examination hearings and the remainder of the process, it is proposed the Local Development Scheme and website are updated as follows:-
- Submission Date – 23rd December 2016
 - Pre Hearing Meeting – if required – To be advised¹.
 - Hearings – Stage 1 hearings May 2017. Further hearing timescales to be advised.
 - Report – To be advised
 - Adoption – To be advised
- 3.4 Although we recognise that the scheme lacks clarity for the later stages of the examination process, we have been advised to do this by the Planning Inspectorate. It is therefore proposed that authority is delegated to the Head of Planning and Building Control to amend the Local Development Scheme and website accordingly when further details are known.
- 3.5 On 16th November 2016 Cabinet gave approval to prepare a South Yorkshire Joint Waste Plan and indicated that the Local Development Scheme will also be updated to reflect this. Other South Yorkshire authorities are still in the process of getting the necessary approvals so if the delegated authority is given to the Head of Planning and Building Control, it will allow the Local Development Scheme to be updated to reflect progress on the Joint Waste Plan as and when necessary.
- 3.6 The White Paper “Fixing our Broken Housing Market” was published in February and includes a number of measures that are relevant to our Local Plan examination. Alongside these the Government also proposes to increase planning fees by 20% partly in recognition of the fact that fees have not increased since 2012 but also in response to industry concerns regarding a lack of resources within Local Authority Planning departments.

4 Proposal & Justification

- 4.1 We are required by the Local Plan regulations to prepare and keep updated a Local Development Scheme. At the time the latest update was approved only indicative timescales could be given. This was because the examination timescale is led by the Inspector.
- 4.2 Based on recent experience in a neighbouring authority and the initial letter from the Inspector appointed to examine our Local Plan, the examination process is likely to take longer than originally envisaged. There are several reasons for this, which include the following:

¹ This has not been mentioned in the Inspectors initial letter therefore at this stage we assume not required

- The Planning Inspectorate has now decided to hold hearings covering strategic issues first and will only arrange subsequent hearings once the Inspector is satisfied that strategic issues have been dealt with.
 - In excess of 12,000 individual comments have been received. This was more than envisaged for Publication stage and far exceeds the numbers received at previous consultation stages.
 - Since the Local Development Scheme was last updated the Housing White Paper and other planning legislation such as the Neighbourhood Planning Act have been published. The introduce a number of proposals that are likely to result in additional work being required throughout the examination process.
- 4.3 The proposal to delegate amending the Local Development Scheme to the Head of Planning & Building Control will allow Barnsley Council to comply with the Local Plan regulations through the examination as well as to reflect progress with the Joint Waste Plan. The Inspector can suggest modifications if there are areas of the plan where they have soundness concerns and modifications would make the plan sound in their view. We need to make a formal request to the Inspector to suggest modifications and authority is sought to do this at recommendation 2.3 of this report. Cabinet and Full Council approval will be needed to approve for consultation any main modifications proposed during the examination.
- 4.4 The fee increase proposed in the White Paper is considered to be overdue and we already anticipated a fee increase when setting the budget to 2020. Although authorities could in theory have turned down the offer of a fee increase all authorities in Leeds and Sheffield City Regions have confirmed they are likely to accept the offer. The increase will enable us to safeguard and invest in the Planning Service to support increased housing delivery in order to increase the likelihood of achieving local housing targets and facilitate other sustainable commercial development in accordance with corporate objectives.

5. Local Plan Progress to Date

- 5.1 On 18th May 2016 and 26th May 2016 cabinet and full Council respectively approved the Publication version of the Local Plan for public consultation and submission, subject to no major changes being proposed.
- 5.2 The Local Plan, associated documents and supporting evidence base were submitted to the Planning Inspectorate on 23rd December 2016.
- 5.3 Amongst the documents submitted were a list of proposed minor modifications and the Statement of Consultation which summarised the key points made in representations received.
- 5.4 The Local Plan Publication Version 2016 was out to consultation for a period of eight weeks from 24 June to 19 August 2016. Around 6,500 people and organisations were contacted either by letter or email to advise them of the

consultation process. This included specific and general consultees, Duty to Cooperate consultees and everyone on the council's consultation database. A total of 12,393 comments have been received from 3051 contributing consultees. 28 late representations were received which we have not considered as duly made. Copies of these representations have been submitted to the Inspector who has advised that she is minded to accept them and these will be uploaded to the consultation database. The Council's planning service also consulted landowners on proposed allocations. A Statement of Consultation has been prepared as one of the submission documents and summarises the main issues raised. This document is available on the Council's website together with other documents that have been submitted to the Inspector.

- 5.5 The minor modifications proposed largely fall into the categories of updating information; correcting typographical errors or changes proposed in response to representations.
- 5.6 Since submission an independent Planning Inspector has been appointed who is currently reading the submission documents. The Planning team has received the Inspector's initial questions and has sent a response. The main initial question that makes reference to soundness of the Local Plan is regarding the Objectively Assessed Housing Need figure.
- 5.7 Other issues raised relate to the Council's views on the implications for the Local Plan arising from the Housing White Paper published on the 7th February. Consultation responses on the Housing White Paper are to be submitted by 2nd May 2017.
- 5.7 The Inspector has also sought views from Planning Officers on how she proposes to split the examination hearings. The initial proposal is as to split the hearings into three stages as follows:-
 - 1. Duty to Cooperate, Legal Compliance, Objectively Assessed Needs for Housing (including Gypsies and Travellers) and Employment in the Borough – May 2017.
 - 2. Spatial Strategy and distribution/location of development, Transport, Town Centres and Retail, Green infrastructure/greenspace, Green Belt and Safeguarded Land – timescale to be confirmed following stage 1.
 - 3. Site allocations, housing requirement figure and five year supply, development management policies, viability and monitoring/delivery – timescale to be confirmed following stage 2.
- 5.8 In our initial response we have requested that the inspector considers two stages of hearings in order to streamline the process. We are awaiting a response to this request.

6. Next Steps

- 6.1 Once the Inspector has received Barnsley Council's substantive response to the issues raised regarding the Housing White Paper, and our Objectively

Assessed Housing Need, she will clarify how many stages of hearings there will be and the matters to be discussed at each session.

7. Consideration of alternative approaches

- 6.1 It is important to keep the timescales for the Local Plan examination up to date as it progresses. As a minimum the Local Plan page of the website would need to be kept up to date if the LDS itself isn't updated.

7. Implications for Barnsley

- 7.1 The Local Plan, once adopted, will provide the statutory planning framework for the borough as a whole and will contain planning policies to deal with all issues except waste. At present waste policies are contained in the Joint Waste Plan prepared with Rotherham and Doncaster and adopted in 2012.

- 7.2 Adoption of a Local Plan is essential in order to allow the Council to manage physical development of the borough on behalf of residents and businesses. This includes providing sufficient land in the right places to attract more businesses into the borough and to allow existing businesses to grow. The aim of this is to create more and better jobs in order to improve earnings and increase opportunities for local residents. It also aims to provide improved housing to meet existing need and the needs of future generations whilst at the same time protecting what is special about the borough.

8. Implications for local people / service users

As above, the Local Plan once adopted will provide the statutory planning framework for the borough as a whole and will contain planning policies to deal with all issues except waste. The policies it contains will be used in making decisions on planning applications. Proposed site allocations will affect those people that live in the vicinity of them.

9. Financial implications

- 9.1 Consultation on the financial implications has taken place with colleagues in Financial Services on behalf of the Director of Finance, Assets and ICT.
- 9.2 Resources have previously been set aside within the Jobs and Business Plan to cover the cost of the submission, examination and adoption of the Local Plan.
- 9.3 Whilst the examination timetable is not yet finalised it is now assumed that there will be an additional financial implication arising from the need to extend the Programme Officer post for at least a further 7 months until the end of 2017/18. The cost of the post will now be £27,350 in 2017/18, an additional £15,954. This additional expenditure will be contained within the additional resources included within the Jobs and Business Plan.
- 9.4 In addition to the above, the Government White Paper '**Fixing our broken housing market**' published on 7 February 2017 announced proposals to boost local authority capacity and capability to deliver planning cases, thereby improving the speed and quality with which cases are handled, while deterring unnecessary appeals.

9.5 These proposals include the offer to Local Authorities of increasing planning fees by 20% from July 2017. The Council has indicated to Government that it intends to take up this offer. It is estimated that this increase will generate additional planning fee income of £125,000 in 2017/18 (July 1st implementation date) with full year effect income of £187,500 per annum allowing the Council to deliver its 2020 medium term financial plan whilst also providing investment into the planning service.

9.6 The financial implications to this report are summarised in the attached Appendix A.

10. Employee implications

10.1 There are no employee implications arising from this report.

11. Communications implications

11.1 There are communications implications arising from this report. Communications support will be required in preparing and disseminating press releases and dealing with social media.

12. Community Strategy and the Council's Performance Management Framework

12.1 Public consultation will be carried out in accordance with the revised Statement of Community Involvement which sets out how local people and stakeholders can engage in, and influence, planning decisions. The Barnsley Local Plan Statement of Community Involvement supports the Council's corporate priority of people achieving their potential.

13. Promoting Equality & Diversity and Social Inclusion

13.1 Local Plan consultation has been carried out in accordance with the Statement of Community We have liaised with the network of Equality Forums that facilitate engagement with some of the diverse groups who have historically been harder to involve.

14. Tackling Health Inequalities

14.1 There are no direct matters of relevance arising from this report but a Health Impact Assessment has been produced to consider the Local Plan proposals on health.

15. Climate Change & Sustainable Energy Act 2006

15.1 There are no direct matters of relevance arising from this report but the emphasis of the NPPF is to promote sustainable development and the Local Plan must provide the evidence that proposals take account of the impact on the environment.

16. Risk Management Issues

16.1 There is a risk that the Local Plan could be found unsound. In order to reduce this risk provision has been made to commission robust evidence.

17. Conservation of Biodiversity

17.1 No direct biodiversity implications arising from this report.

18. List of Appendices

Latest Local Development Scheme.

Office Contact: Paula Tweed Telephone No: 2611 Date: 9/3/17

Financial Implications / Consultation Date:

Consultations have taken place with representatives of the Acting Executive Director, Finance
