

Committee: Cabinet

Date: Thursday 20
October 2022

Title: Local Development Scheme (Local Plan
Regulation 18 Consultation)

**Portfolio
Holder:** Councillor John Evans,

Portfolio Holder for Planning, the Local Plan,
Stansted Airport and Infrastructure Strategy

**Report
Author:** Dean Hermitage – Director of Planning &

John Clements, Interim Local Plan and New
Communities Manager

Key decision:

No

Summary

1. The Council is progressing work on a new Local Plan and was due to consult on its Regulation 18 'Preferred Options' document ("Reg.18") in November 2022. The production of this document is delayed. It is therefore recommended that The Local Development Scheme (LDS), which sets out the draft timetable for producing the Local Plan, is amended to reflect this.

Recommendations

1. That Cabinet adopt the revised LDS of the Local Plan.

Financial Implications

2. The approved budget for the Local Plan in 2022-23 includes sufficient provision for the work needed through to the end of March 2023. Adequate provision will need to be made in preparing the budgets for 2023-24 and 2024-25 in the revised Medium Term Financial Strategy.
3. The proposed changes to the timetable will extend the period for which the district is at risk of speculative development, and this will extend the period during which the Council is likely to face further appeals.

Background Papers

4. No additional papers were referred to by the author(s) in the preparation of this report.

Impact

5. See table:

Communication/Consultation	The draft timetable includes for wide public and stakeholder consultation.
Community Safety	No impact
Equalities	No impact
Health and Safety	No impact
Human Rights/Legal Implications	Preparation of a local plan is a statutory duty. It needs to meet legal tests and comply with regulations.
Sustainability	N/a
Ward-specific impacts	All
Workforce/Workplace	N/A

Situation

6. The Council started work on a new Local Plan in 2020. The Local Development Scheme (LDS) sets out the draft timetable for producing the Local Plan. The existing LDS included for a Reg.18 consultation from November to December 2022 with a Regulation 19 consultation (final public consultation) from November to December 2023. It proposed the submission of the Regulation 19 plan (our final draft) to Government in May 2024.
7. The publication of a Reg.18 Local Plan consultation document this November was aborted as it had become apparent to senior officers that, despite strenuous efforts by the Local Plans team, the intended document could not be completed to an acceptable standard within target timescales.
8. To continue the established programme with a relatively short delay was explored but found to be unfeasible, not least due to the timetable constraints on consultation and governance leading up to and during next May's Council elections (for which the pre-election – 'purdah' – period begins on 23 March).
9. It is therefore proposed to **schedule a post-local election Reg.18 consultation, early summer 2023**. Key dates are being developed and will follow.
10. It is proposed instead to use the additional time to produce a more focused, accessible and effective form of consultation document, address perceived shortcomings in some of the current content, and further develop and integrate the evidence required to support the plan. This 'Draft Plan' should make consultation more effective, and in various ways progress the Council further towards what is the most crucial step in the process; the Regulation 19 submission of a completed and sound 'final' plan for examination. In this way the overall delay to that final stage, currently estimated at up to five months, is

less than the delay to the more immediate Regulation 18 consultation (i.e. whilst the Reg.18 consultation would be pushed back some seven months, it does not follow that the overall plan adoption date is delayed by the same period).

11. The governance timetabling has been built around the May 2023 elections, the pre-election period leading up to it, and the period following it, within which the Council appoints its portfolio-holders and committees.

12. Changing the Local Plan timetable is a common occurrence in Local Planning Authorities across the country, due to the complexities and uncertainties involved (the Planning Officers Society has very recently commented that this is currently occurring at a particularly high level for various reasons). It is nonetheless fully appreciated that changes and delay cause frustration for all interested parties, and that successive changes are particularly regrettable.

13. The updated LDS is appended to this report as *Appendix 1*.

Risk Analysis

14. See table:

Risk	Likelihood	Impact	Mitigating actions
The proposed changes to the timetable extend the period for which the district is at risk of speculative development	4 – there will be a longer time before a Local Plan is adopted	2 – the longer time period before which a Local Plan is adopted will mean the district is at risk of speculative development for longer	A more robust Reg18 allows for a better case to be put for the plan at examination. Similarly, it will help UDC 'make up' the time between the regulation 18 and regulation 19 consultations.
That the timetable proposed in the LDS slips	1 – there are unknown factors in the production of a Local Plan that require consideration and may result in slippage	4 – government intervention would significantly damage the reputation of the Council	The project plan supporting the LDS is actively managed by the Council's Scrutiny Committee with work presented to and monitored by LPLG in a more structured manner.
That the government introduces a new system for producing Local Plans	4 – the Levelling Up and Regeneration Bill includes	3 – the changes currently proposed could result in a radically	The Council will monitor further consultation and changes.

	some significant changes	different Local Plan	
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1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1:

Revised LDS Timetable