

EXECUTIVE

16th November 2023

Report Title	North Northamptonshire Local Development Scheme
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Lead Member	Cllr David Brackenbury, Executive Member for Growth and Regeneration

Key Decision	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	

List of Appendices

Appendix A – Draft Revised Local Development Scheme

1. Purpose of Report

- 1.1. This report seeks a resolution from the Executive to adopt the North Northamptonshire Local Development Scheme.

2. Executive Summary

- 2.1. The Council is required by legislation to prepare and publish a Local Development Scheme (LDS). An LDS is a project plan providing a timetable for the preparation of documents that make up the area's Development Plan. The first North Northamptonshire Council LDS, covering the period 2022-2025 was adopted on 31st March 2022 and it is now being revised to ensure that it is up to date.
- 2.2. The LDS provides detailed timetables for the Council's next programme of Development Plan Documents, and updates on the title and nature of the documents. This includes the North Northamptonshire Local Plan, a Gypsy and

Traveller Local Plan, and the remaining stages of the East Northamptonshire Local Plan Part 2. A review of policies making up the North Northamptonshire Minerals and Waste Local Plan is being considered and timeframes for this work are not yet proposed. On that basis this LDS only raises that a review of Minerals and Waste policies will be undertaken, but timeframes for such a review are not included in this version of the LDS. The LDS provides additional information regarding the preparation of Neighbourhood Plans.

- 2.3. The revised LDS is attached at **Appendix A**.

3. Recommendations

- 3.1. It is recommended that the Executive agree the North Northamptonshire Local Development Scheme (LDS) for adoption.
- 3.2. Reason for Recommendations – To agree a timetable for the programme of plans identified in the LDS; and to ensure the Council meets its legal obligation to publish and maintain an up-to-date LDS, to meet its requirements as a local planning authority.
- 3.3. To ensure the Council meets its obligation under Section 15(1) of the 2004 Planning and Compulsory Purchase Act, to publish an up-to-date Local Development Scheme to meet its requirement as a local planning authority.
- 3.4. Alternative Options Considered – It is a statutory obligation for the Council to publish and maintain an up-to-date LDS, as such the Council needs to adopt a revised LDS. The Executive could, if it was minded to do so, ask officers to review the timeframes and present a further revision of the LDS in due course.

4. Report Background

- 4.1. A Local Development Scheme (LDS) is a project plan setting out the timetable for the preparation of documents that in this case make up the North Northamptonshire Development Plan. The first North Northamptonshire Council LDS was adopted on 31st March 2022. This did not set out the approach and timetable for Minerals and Waste planning policy, formerly the responsibility of Northamptonshire County Council. Once an approach has been developed for how the Council should progress in preparing the North Northamptonshire Minerals and Waste Local Plan, and any other Development Planning Documents, then a further review of the LDS will be undertaken.
- 4.2. The Development Plan for North Northamptonshire is made up of the North Northamptonshire Joint Core Strategy (adopted July 2016); other area-based Local Plan policy documents; Part 2 Local Plans; the Northamptonshire Minerals and Waste Local Plan Update (adopted July 2017); and various Made Neighbourhood Plans. Once adopted, future Local Plans and Neighbourhood

Plans, prepared by Neighbourhood Plan Groups or Forums, will also form a part of the Development Plan.

- 4.3. Section 15(1) of the 2004 Planning and Compulsory Purchase Act requires that the “local planning authority must prepare and maintain a scheme to be known as their local development scheme”. Legislation simply requires that the LDS is brought into effect and published by the Local Planning Authority. To achieve this, two actions need to be carried out:
 - i. the Council should resolve that the LDS is to have effect; and
 - ii. it should specify the date from which the LDS is to have effect.
- 4.4. The Council’s constitution requires that the LDS be adopted by Full Council. As such, it is proposed that Members of the Executive consider the content before resolving to adopt the LDS. The Council will continue to update on the progress being made with its plan-making on its website, as appropriate.

5. Issues and Choices

- 5.1. The purpose of the LDS is to provide a timetable against which the documents making up the Council’s Development Plan can be viewed, allowing any parties interested in taking part in the preparation of the Plan to be notified of the programme and to be involved in its development.
- 5.2. It is considered important to ensure the Council is complying with the necessary tests, by agreeing and publishing a revised LDS.
- 5.3. Officers have reviewed the LDS, including the scope of Local Plans within it and the timetable for preparation, taking account of resources, consultation feedback and the context of reforms to the planning system.

Planning reforms and transitional arrangements

- 5.4. Plan-making is taking place within the context of significant reform to the planning and plan-making system, which are set out in the document: Levelling Up and Regeneration Bill, with more detail provided in the “Levelling-up and Regeneration Bill: reforms to national planning policy consultation December '22 March '23”. The latest consultation on this subject closed on 18th October 2023, entitled “Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms”.
- 5.5. The Levelling-up and Regeneration Bill sets out reforms to the local plan-making system. In summary, the Government intends that Plans will be produced more quickly and the content of plans will be simplified. The Government considers that this will result in a more effective system that is easier to engage with for stakeholders. Subject to parliamentary approval, it is anticipated that the plan-making reforms are to be implemented from late 2024.

- 5.6. Significantly, the Bill sets out that each local planning authority must prepare a local plan and an express restriction that only one local plan may have effect in relation to a local planning authority's area at one time. The local plan can be supplemented by the preparation of Supplementary Plans.
- 5.7. National Development Management Policies are also proposed to aid future plan-making. These policies would be given the same weight in certain planning decisions as policies in local plans, neighbourhood plans and other statutory plans (and could, where relevant, also be a material consideration in some planning decisions, such as those on Nationally Significant Infrastructure Projects). It is the Government's intention that National Development Management Policies would cover planning considerations that apply regularly in decision-making across England or significant parts of it, such as general policies for conserving heritage assets, and preventing inappropriate development in the Green Belt and areas of high flood risk.
- 5.8. The Bill would preclude new plans from including policies which duplicate or are inconsistent with National Development Management Policies. This would ensure that there is a clear demarcation between locally prepared plans and national policy, minimising any risk of conflict between them. The Bill also provides that National Development Management Policies would take precedence where there is conflict between them and development plan policies when making a decision on a planning application.
- 5.9. The "Levelling-up and Regeneration Bill: reforms to national planning policy consultation" document provided further information on transitional arrangements. It stated that the reformed plan-making system is intended to be introduced in late 2024. In the meantime, the Government recognises the importance of ensuring that as many authorities as possible can take advantage of the policy changes outlined in this wider document, which at the time of publication were expected to take effect from Spring 2023, indicating risks of delay and uncertainty. The document further explained that the intention was to ensure that plans can progress in the short term, which will allow land for development to continue to come forward and help to smooth the transition to the new plan making system. Authorities with an up-to-date local plan in place will be in the best possible position to adapt to the reforms provided for in the Bill.
- 5.10. The Government is proposing that plan makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework; and in the meantime, existing legal requirements and duties, for example the Duty to Cooperate, will still apply.
- 5.11. Consultation on revisions to the National Planning Policy Framework (NPPF) (Dec '22-March '23) proposed the removal of the "justified" test of soundness which requires that plans must provide "an appropriate strategy, taking into account reasonable alternatives, and based on proportionate evidence". Plan makers will still need to produce evidence to inform the plan, and to satisfy requirements for environmental assessment, but the Government considers

that removing the explicit test that plans are 'justified' is intended to allow a proportionate approach to examination, in light of these other evidential requirements.

- 5.12. Despite the anticipated timetable for reforms, the Government has yet to publish its response to the consultation on measures discussed above, including finalising transitional arrangements. The Department for Levelling Up, Housing and Communities (DLUHC) has confirmed that NPPF revisions will be delayed until at least after the Levelling Up and Regeneration Bill is passed and become an Act of parliament. Officers have considered the measures set out in revising the LDS and the process and timetable for plan preparation and sought to develop an approach that future-proofs the Council.

Local Development Scheme

North Northamptonshire Local Plan

- 5.13. Members will be aware that the Joint Core Strategy is the strategic Part 1 Local Plan for North Northamptonshire, providing strategic allocations and the strategic direction for development across the wider area. The adopted LDS sets out that the Joint Core Strategy would be reviewed/updated through the North Northamptonshire Strategic Plan which would focus on strategic matters which would, as a minimum, meet the requirement set out in the NPPF, to have a plan that addresses the strategic priorities for the area. Consultation on Scope and Issues was undertaken March-May 2022, and was reported to the Planning Policy Executive Advisory Panel on 14th December 2022.
- 5.14. Approaches to progressing local plans in North Northamptonshire were discussed at internal workshops with policy officers and Members between March and June 2023. Three options were considered:
- Option 1: Progress as per adopted LDS and continue to prepare North Northamptonshire Strategic Plan.
 - Option 2: Prepare one North Northamptonshire Local Plan, incorporating the Gypsy and Traveller Local Plan.
 - Option 3: Broaden the scope of the Strategic Plan and rename as the North Northamptonshire Local Plan but continue to prepare a separate Gypsy and Traveller Local Plan.
- 5.15. It was concluded that the preferred approach based upon various factors was Option 3, that being to broaden the scope and rename it North Northamptonshire Local Plan and prepare a separate Gypsy and Traveller Local Plan.
- 5.16. The scope of the North Northamptonshire Local Plan will include strategic priorities that would have been covered in the Strategic Plan (which were set out in the Scope and Issues consultation document) and some non-strategic matters that are set out in the Part 2 Local Plans. This will allow for harmonisation and rationalisation of policy approaches and the opportunity to address any policy gaps that may exist. It is considered that this approach better future-proofs the Council to respond to planning reform, and the requirement

for one local plan. This approach has been informed by feedback to the Strategic Plan Scope and Issues consultation. It will be necessary to save certain policies in the Part 2 Local Plans. This approach is also likely to bring with it efficiencies and cost savings by reducing the need to invest in preparing several Part 2 Local Plans. These aspects of plan-making will however be looked at by the Council when reviewing Planning Reform.

- 5.17. The timetable for plan-making proposes removal of the Spatial Options consultation that was timetabled for September 2023. It is considered more prudent to focus resources on the development of a draft plan, with options developed and tested through the evidence base, notably the Sustainability Appraisal, informed by feedback to the Strategic Plan Scope and Issues consultation. Instead of the Options consultation, it is proposed to undertake workshops and targeted engagement on specific policy areas during the Autumn/Winter 2023, to inform the draft plan. Members will be kept informed of the proposed mechanisms for this ongoing engagement. It is considered that this approach represents a proportionate, robust approach that is consistent with national policy and will ensure resources are appropriately focused. There will be opportunity for comment and contributions through focused engagement on specific topics, helping to develop the approach for future stages of consultation, notably the draft plan.
- 5.18. A summary of the timetable for the North Northamptonshire Local Plan is provided below:
- Issues/scope Consultation - March 2022 (completed)
 - Draft Plan Consultation - June 2024
 - Publication Plan Consultation - January 2025
 - Submission to the Secretary of State - April 2025
 - Examination - October 2025
 - Inspector's Report - March 2026
 - Adoption - September 2026

Part 2 Local Plans

- 5.19. Each of the sovereign authorities progressed their own Part 2 Local Plan policies for their areas. The Borough Council of Wellingborough adopted its Part 2 Plan in February 2019; the Part 2 Local Plan for Corby was adopted in September 2021; and the Part 2 Local Plan for Kettering was adopted in December 2021. The Part 2 Local Plan for East Northamptonshire was Submitted to the Secretary of State in March 2021. The Examination hearing sessions were held April-May 2022. Consultation on Proposed Modifications took place April-May 2023. The Planning Inspector provided her report during the summer, which led a report to the Planning Communities Executive Advisory Panel on 24th October 2023, and Executive on this same agenda. It is planned the Part 2 Local Plan will be presented to Full Council for adoption on 7th December 2023.

North Northamptonshire Gypsy and Traveller Local Plan

- 5.20. The Planning Communities Executive Advisory Panel on 27th March 2023 endorsed changes to the Gypsy and Traveller Local Plan, including the name, scope, and timetable. Public consultation on the Scope and Options and associated Sustainability Appraisal Scoping Report followed between 5th April and 31st May 2023.
- 5.21. The projected timescale for the Gypsy and Traveller Local Plan endorsed by the Panel is set out below:
- Early stakeholder and community involvement - April 2023 (completed)
 - Draft Plan Consultation – March/April 2024
 - Publication Plan Consultation – November/December 2024
 - Submission to the Secretary of State – February 2025
 - Examination – September 2025
 - Inspector's Report - December 2025
 - Adoption – March 2026
- 5.22. The above timetable is ambitious leaving little contingency to accommodate any issues which may arise during its preparation, causing its delay. However, the priority with which progress is sought shows a clear intent to address issues identified in meeting accommodation needs, and a desire to ensure that the need is met whilst providing standards acceptable for habitation such as space standards and amenity.
- 5.23. It is also acknowledged that local plan policy development may be necessary in other topic areas, including specific policies for our town centres. The LDS is only required to address timescales for Development Plan Documents, therefore only addresses the timescales for those Plans set out in this report. It should be noted that the timetable detailed for plan preparation above is just one element of the programme of work undertaken by the Planning Policy team. The preparation of the Local Plans in the LDS and accompanying documents will be demanding of staff resources, particularly while the planning function continues its transformation, bringing the five former local planning authorities together into a single service and following the Planning Advisory Service's peer review.
- 5.24. Officers will monitor balancing priorities in plan-making against other policy priorities and activities including procurement of consultants, evidence base preparation, and consultation and engagement, all at a time of budget pressures nationally in local government, and significant and competing work demands. Further changes in staff or uncertainty caused by Planning Reform legislation and guidance will carry risks to the timetable outlined, but this will be kept in check as much as is possible to ensure the programme stays on track.
- 5.25. The implementation of proposed planning reform is still uncertain and has led to many local planning authorities across the country pausing plan-making. It

is considered that despite significant resource challenges and this uncertainty that it is important to progress plan-making in North Northamptonshire. It is however possible to review the LDS at a future date, although efforts will continue to ensure this does not change those programmes detailed within this report.

6. Next Steps

- 6.1. The proposed revised draft LDS is attached at **Appendix A**. Members of the Executive are asked to review the LDS and resolve to adopt the document.

7. Implications (including financial implications)

7.1. Resources, Financial and Transformation

7.1.1. There are no specific resources or financial implications arising from this report. The plan-making work set out within the LDS will be resourced within the existing Planning Policy budget. A review of further resources will continue to be undertaken as part of the budget setting process to assess the appropriate level to support future requirements. The preparation of the Local Plans in the LDS and accompanying documents will be demanding of staff and resources and needs to be balanced with other policy priorities, in terms of procurement of consultants, evidence base preparation and consultation, at a time of budget pressures and significant and competing work demands. It will require careful resource management and collaborative working with other services within the Council, such as Environmental Health, Flood and Water Management, Highways, Public Health etc.

7.1.2. The Executive Director of Executive Director of Finance and Performance has been consulted, and there are no resource or financial implications arising from the proposals.

7.2. Legal and Governance

7.2.1. The preparation and maintenance of an up-to-date LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and Town and Country Planning (Local Planning) (England) Regulations 2012. Formulating the timetables within the LDS, keeping them up-to-date, and making it publicly available is also part of that legal requirement. The document will be accessible on the Council's website. The Council will also ensure it complies with the necessary tests in preparing a Local Plan for Examination. Members of the Planning Communities Executive Advisory Panel provide oversight and governance in preparing Local Plans.

7.2.2. Following a review of the Council's constitution and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, it is recognised that the function of approving "Plans and alterations which together comprise the Development Plan" are not to be the sole responsibility of the Executive –

i.e. Full Council is the decision maker. However, “functions relating to local development documents which are not development plan documents are the responsibility of the executive of an authority.” Although the LDS is not itself a local development document, it actually sets out what documents are local development documents and therefore this would be an Executive decision as the LDS is not a Development Plan Document.

7.3. Relevant Policies and Plans

7.3.1. The plans set out in the LDS will take forward relevant policies in the Corporate Plan and other relevant documents. In particular, the local plans for which the LDS sets out the timetable will deliver on the following corporate priorities: 1. Active, fulfilled lives; 2. Better, brighter futures; 3. Safe and thriving places; 4. Green, sustainable environment; and 5. Connected communities.

7.4. Risk

7.4.1. The risk from setting out an LDS is often associated with that of slippage to those plans identified within it. Every effort has been made to be as realistic as possible, yet also challenge the programme in terms of progress. Causes of delay are varied but can include loss of key staff, including in other service areas who would support plan-making; time appointing consultant input; complexity of evidence; expansive consultation responses and complexity; planning reforms and subsequent uncertainty; competing priorities; to name but a few. It is also recognised that some issues of developing policy may need to be added to the LDS, the fact that these are not included within this one does not mean they cannot be added in the future, it just means a timetable has not been identified yet.

7.4.2. In March 2020, the Government set a ‘clear deadline’ of December 2023 for all authorities to have up-to-date Local Plans in place. The government can intervene in Local Plan processes where they consider there is a lack of progress being made, plans are out of date, or there are high housing pressures and intervention would have an impact. It is considered that the risk of this is very low in North Northamptonshire. There will be a package of up-to-date Part 2 Local Plans in place and substantial progress has been made in preparing the North Northamptonshire Local Plan through early public engagement and the gathering of evidence. A significant number of policies in the current Joint Core Strategy are still considered to be working effectively in the development management process.

7.4.3. There are risks, that any slippage in plan-making could mean 30th June 2025 submission deadline for the plan to be examined under the current planning system not being met. Government announcements in relation to planning reform will be monitored and considered accordingly. It is considered that whilst it is the clear intention for the plan to be progressed under the current planning system, any work on the plan would be capable of being adapted accordingly.

7.4.4. In terms of the Gypsy and Traveller Local Plan, the Council's consultants are currently preparing a Pitch Deliverability Assessment to respond to draft findings from initial work on a Gypsy and Traveller Accommodation Assessment. The scale of the work needed in this next area of work brings with it risks, potentially causing delays and challenges to the allocation of sites. The Council recognises that where need is found, it is a priority that it finds solutions to provide suitable accommodation to meet that need. The Council is committed to prioritising this area of work.

7.5. Consultation

7.5.1. No consultation is necessary in agreeing an LDS, consultation is however a fundamental part in the development of each of the Development Plan Documents.

7.6. Consideration by Executive Advisory Panel

7.6.1. The precise timetable for both the North Northamptonshire Local Plan and the Gypsy and Traveller Local Plan have received some small amendments since dates were presented to the Planning Communities Executive Advisory Panel. Members on this Panel will be made aware of the amendments made since the EAP and the reasons for them. At the meeting of the EAP on 19th July 2023, Members resolved that the LDS be advanced to Executive, and made the following comments:

- i. North Northamptonshire has a good record in plan-making;
- ii. The LDS is ambitious but was it achievable as resources within the team come under pressure, including from other projects not focussed on plan-making; and
- iii. The cumulative impact of development and the need for a balanced economy is important.

7.7. Consideration by Scrutiny

7.7.1. Members of the Place & Environment Scrutiny Committee met on 31st October 2023 to discuss the Local Development Scheme, where an amended recommendation that the Executive be presented the Local Development Scheme for adoption, was agreed unanimously. Comments made by Members during discussion included: recognition that plan-making inevitably takes a long time and acknowledging that delays to progress is sometimes beyond the control of the local authority, the programme as set out was considered quite optimistic. Also, consultations should be open surveys, asking the public what they want for their area; Town & Parish Councils are important bodies for consultation, particularly in relation to the Gypsy & Traveller Local Plan; and Members indicated they look forward to the running of workshops to help frame the new Local Plan documents, and also await with interest agreement to a Local Development Scheme to address Minerals & Waste Local Plan matters.

Members acknowledged the current uncertainty and risks associated with the Government's changes to the planning system, and its timings.

- 7.7.2. In terms of discussions on other planning matters, green/ amenity spaces and trees were highlighted to be of particular value to communities and asked that policy specify the amenity space required for new dwellings; and it was highlighted that landscape buffers can often be useful when designing employment development alongside residential uses.

7.8. Equality Implications

- 7.8.1. The commitment within the LDS to progressing the production of future planning policy documents, does not in itself have any direct equality implications and it has therefore been concluded that a full Equality Impact Assessment is not required.

7.9. Climate and Environment Impact

- 7.9.1. There are no climate and environmental impacts arising from the LDS the purpose of which is to detail timetables for the Council's next programme of Development Plan Documents. However, climate change will be a fundamental consideration throughout the preparation of the Development Plan Documents, and Neighbourhood Plans, identified within the LDS. The local plans within the LDS will provide an opportunity to respond to the Council's Climate and Environment Emergency declared in July 2021. The Sustainability Appraisal, prepared in parallel with each stage of the Plans, will assess their impacts on climate change and its ability to minimise the contribution to climate change through appropriate mitigation, and to support adaption measures to build resilience against the impacts of climate change in North Northamptonshire.

7.10. Community Impact

- 7.10.1. The LDS itself as a timetable for the progress of the Council's Development Plan Document has limited direct community impact, but the Development Plan Documents do. Consultation with the community will be a significant part of the development of those documents.
- 7.10.2. The development of these plans will seek to ensure that existing and new communities in North Northamptonshire see tangible benefits from development. Consultation and the evidence base to inform planning policy, will help inform the approach and how benefits can be maximised.

7.11. Crime and Disorder Impact

- 7.11.1. The LDS will not in itself have any impacts on crime and disorder however, the Development Plan Documents emerging from the timetable set out in the LDS will set out policies to ensure safe communities and development.

Consultation feedback will inform the approach to these elements as the plans are developed.

8. Background Papers

- 8.1. Place and Environment Scrutiny Committee – North Northamptonshire Local Development Scheme (31st October 2023)
<https://northnorthants.moderngov.co.uk/documents/g1865/Public%20reports%20pack%2031st-Oct-2023%2019.00%20Place%20and%20Environment%20Scrutiny%20Committee.pdf?T=10>
- 8.2. Planning Communities Executive Advisory Panel – North Northamptonshire Local Development Scheme (July 2023)
<https://northnorthants.moderngov.co.uk/documents/g1707/Public%20reports%20pack%2019th-Jul-2023%2010.00%20EAP%20Planning%20Communities.pdf?T=10>
- 8.3. Planning Communities Executive Advisory Panel - Planning Policy Work Programme (January 2023)
<https://northnorthants.moderngov.co.uk/documents/s14135/Report2%20-%20Planning%20Policy%20Work%20Programme.pdf>
- 8.4. North Northamptonshire Local Development Scheme (March 2022)
<https://www.northnorthants.gov.uk/planning-strategies-and-plans/local-development-scheme-2022-2025>