



**CABINET: 9 MARCH 2021**

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**Report of:** Corporate Director of Place and Community

**Relevant Portfolio Holder:** Councillor David Evans

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**SUBJECT: LOCAL DEVELOPMENT SCHEME UPDATE**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To consider an updated Local Development Scheme setting out the revised timetable for the preparation of a new Local Plan for West Lancashire, in the light of delays caused by the COVID-19 pandemic.

## **2.0 RECOMMENDATIONS TO CABINET**

2.1 That the updated March 2021 Local Development Scheme within Appendix 1 be approved.

2.2 That the new Local Plan is prepared on the basis of a Plan period of 2023-2040.

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## **3.0 BACKGROUND**

3.1 The Local Development Scheme (LDS) is a timetable for preparation of the Local Plan and other important planning policy documents. The most recent LDS was approved by Cabinet in January 2020, following the decision in September 2019 to cease work on the West Lancashire Local Plan Review. The January 2020 LDS anticipated the new West Lancashire Local Plan being adopted in early 2023.

3.2 Since the approval of the January 2020 LDS, the effects of COVID-19 and the associated 'lockdown' – for example, the redeployment of planning officers to frontline work, the disruption to the 'normal' activities of the Council, and constraints on the operation of other bodies – have meant that the LDS timetable has needed to be changed. In particular, it has not been clear how the first planning public consultation exercise on the new Plan could be carried out given restrictions on meetings and the closure and anticipated changes to operation of public libraries. Changes to the Council's Statement of Community Involvement, which sets out methods and minimum standards for public consultation on planning matters, have been agreed, and these help provide more clarity on how and when consultation may proceed on the Plan, but there is still a consideration of how much engagement in the Local Plan process will be enabled during a pandemic.

#### **4.0 CURRENT SITUATION**

4.1 The proposed updated Local Development Scheme (LDS) provided at Appendix 1 includes a slightly amended timetable for the preparation of a new West Lancashire Local Plan 2023-2038, as follows:

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|---|-------------------------|
| • Regulation 18 Consultation            | October - December 2021 |
| • Publication / Pre-Submission          | October - December 2022 |
| • Submission to Planning Inspectorate   | January 2023            |
| • Examination in Public (inc. Hearings) | January - December 2023 |
| • Adoption                              | December 2023           |

4.2 Overall, this represents up to a year's delay in adoption of the new Local Plan, subject to how long the Local Plan Examination may take, which is not within the Council's control, but the Local Plan would still be adopted in 2023.

4.3 The additional significant change caused by the delay in preparation of the new Local Plan is that the LDS proposes a slightly extended Plan period to run 2023-2040 (as opposed 2023-2038 previously). This reflects the fact that the Plan is not anticipated to be adopted until the end of 2023 (and the NPPF requires plans to have 15 years remaining on their plan period when they are adopted) and to ensure any unforeseen delays to the examination (and so adoption) of the Local Plan do not create an issue at Examination which requires major modifications and the addition of further site allocations at that late stage.

#### **5.0 SUSTAINABILITY IMPLICATIONS**

5.1 There are no direct implications for sustainability from the recommendations in this report.

#### **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

6.1 The new Local Plan will be produced by the Council's Strategic Planning, Regeneration & Implementation Team, but a document as wide ranging as a Local Plan will inevitably involve input from various parts of the Council (as well

as external stakeholders and partners). However, the costs of preparing the Local Plan will be covered by existing general revenue budgets together with the previously agreed contribution from Council Reserves for the costs of additional evidence studies and the Examination of the Local Plan.

- 6.2 For further detail, see chapter 4 of the LDS at Appendix 1, which covers the issue of resources for the preparation of the Local Plan.

## **7.0 RISK ASSESSMENT**

- 7.1 See chapter 5 of the LDS at Appendix 1, which covers the issue of risk assessment for the Local Plan. One risk of particular note is the impact that changing national policy can have on the preparation of a Local Plan, sometimes causing considerable delays while whole sections or policies are re-written to reflect the new national guidance. This is perhaps a significant risk for Members to note as the new Local Plan for West Lancashire is prepared because of the recently published White Paper and a potential shift to a more zonal planning system with increased permitted development rights. While a Local Plan would still be central to such a system, the content of such a Local Plan could be considerably different as a result of any changes the Government proposes. However, the latest indications for Government on when these new proposals might be implemented indicate that we would be able to submit a new Local Plan under the existing arrangements (or any transition arrangements to the new system) before the new-style Local Plan is introduced, unless the preparation of new Local Plan was delayed further.
- 7.2 In relation to the risks associated with not taking forward the preparation of a new Local Plan (i.e. not supporting the recommendation at 2.1 to publish an updated LDS), these are varied and complex. An up-to-date Local Plan provides a reliable basis for planning decision-making in West Lancashire, fulfils a key priority for the Council and influences various other related plans, projects and strategies for the Council (e.g. the Housing Strategy, the Economic Development Strategy, a Regeneration Plan for Skelmersdale and the Skelmersdale Rail project).
- 7.3 While the lack of an up-to-date Local Plan does not prevent those other plans, projects and strategies from coming forward, or from the Council making planning decisions, it can affect how successful they are, or whether funding is secured for them. In particular, in relation to planning decisions, the lack of an up-to-date Local Plan can lead to ad hoc planning-by-appeal and significant costs for the Council defending planning appeals and it can lead to a reduction in the number of significant new housing developments coming forward. The latter, in turn, would mean less CIL income, providing less investment for new and improved infrastructure in West Lancashire. It would also reflect poorly on the image of the Council with the public and the development industry.
- 7.4 As time moves on, without the preparation of a new Local Plan, and the closer we get to the end date of the current, adopted Local Plan (2027), the more likely that the Council will not be able to demonstrate a 5-year housing land supply. While the Council currently has a healthy five year supply position (primarily because of the reduced annual target for new housing set for West Lancashire

by the Government's latest standard housing requirement methodology), within a few years, with all the larger allocated sites from the adopted Local Plan completing or well under way, the Council's five year supply will drop quite quickly, likely resulting in the Council not having a five-year supply. This will only encourage planning by appeal, and the risk of less sustainable developments occurring in West Lancashire.

- 7.5 Finally, further delays in the preparation of a new Local Plan run the risk of intervention from Central Government. If a Local Plan is out of date, and a Council is not taking adequate steps to prepare and adopt a new Local Plan, MHCLG have powers to intervene and even require the Planning Inspectorate or the County Council to prepare a Local Plan on behalf of the local planning authority. In such an instance, the Council would lose the ability to control the Plan they want to prepare.

## **8.0 HEALTH AND WELLBEING IMPLICATIONS**

- 8.1 There are no direct implications for health and wellbeing from the recommendations in this report.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

This report does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

### **Appendices**

Appendix 1 – Local Development Scheme Update March 2021