

For publication

Chesterfield Borough Local Plan Review (CC280L)

Meeting:	Cabinet
Date:	14 th May 2024
Cabinet portfolio:	Climate Change, Planning and Environment
Directorate:	Economic Growth
For publication	

1.0 Purpose of the report

- 1.1 To inform member on the progress and timetable for the review of the Chesterfield Borough Local Plan and seek authorisation to undertake the next stage of consultation with stakeholders.

2.0 Recommendations

- 2.1 That Cabinet approve the undertaking of 'Regulation 18' consultation in respect of the review of the Local Plan.
- 2.2 To delegate authority to the Service Director for Economic Growth, in consultation with the Cabinet Member for Climate Change, Planning, and Environment, to finalise materials and arrangements for consultation.

3.0 Reason for recommendations

- 3.1 To progress the review of the Local Plan review as required under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.2 To enable a flexible approach to consultation that can respond to emerging issues and changes to Planning Policy and legislation.

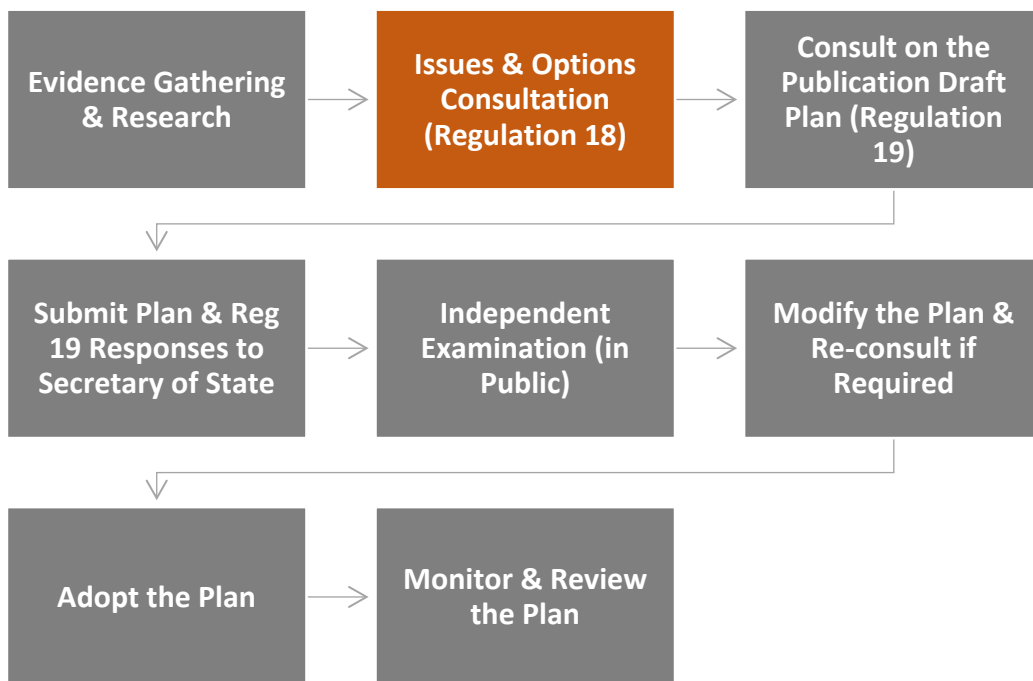
4.0 Report details

- 4.1 Section 19 of the Planning and Compulsory Purchase Act 2004 requires every relevant Local Planning Authority to prepare a Local Plan for its area. The

Local Plan must consider the sustainable development needs of its area for a minimum of 15 years but must be reviewed every five years.

- 4.2 The Council's current Local Plan was adopted in July 2020 as the 'Chesterfield Borough Local Plan 2018-2035'. A review of the plan must therefore be undertaken before July 2025 to determine whether or not the plan needs to be replaced. The options are either continuing with the existing plan; undertaking a partial review; or beginning from scratch.
- 4.3 Officers have been monitoring the performance of the plan and housing delivery, alongside changes to legislation and national planning policy. A monitoring report has been prepared for the Portfolio Holder and key information presented at a briefing session that was open to all Members. The conclusion of this monitoring is that the current Plan is generally performing well but some areas will need to be updated to reflect changes in legislation and national policy; emerging evidence on key topics, and to improve performance of some areas of the plan. A **Partial Review** is therefore being recommended.
- 4.4 The Planning and Compulsory Purchase Act 2004 and The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the steps that must be taken to prepare and adopt a Local Plan.
- 4.5 The current stage, for which permission is sought, is the 'Regulation 18' stage. Sometime referred to as 'Scoping' or 'Issues and Options'. At this stage the Council will invite a range of stakeholders to make representations about what the Local Plan ought to contain. The Council will also invite comments on the scope of the Sustainability Appraisal that must be prepared to accompany the Plan.
- 4.6 The Stakeholders will be a combination of those formally set out in the Regulations, and other bodies set out in the Council's Statement of Community Involvement (SCI), which will include local bodies and organisations. The Council will also invite representations from local residents and businesses who have previously asked to be informed about Local Plan matters.
- 4.7 A Communications and Engagement Plan is being developed with the input of the Council's Policy and Communications teams, and will accord with the requirements of the Council's Community Engagement Standards and the published Statement of Community Involvement (SCI).
- 4.8 The Regulation 18 Stage can result in new issues arising that may require focused consultation with particular stakeholders. For this reason this report is seeking delegated authority to approve and finalise the specific arrangements for consultation across the Regulation 18 stage.

- 4.9 Following the Regulation 18 stage officers will prepare a new Local Plan. At that stage it is a legal requirement that the Plan be considered by and agreed by a meeting of the Full Council, before undergoing a much more formal stage of consultation ('regulation 19') prior to being submitted to the Secretary of State to be subject to an Examination in Public by a Planning Inspector appointed by the SoS.
- 4.10 The proposed timetable for the Local Plan review is set out in the Council's Local Development Scheme (LDS), which is published on the Council's website.



Estimated Timetable	
Consultation under Regulation 18	May to Nov 2024
Consultation on Publication (Pre-submission) Draft Plan under Regulation 19	March 2025 to April 2025
Submission of the Draft Plan to the Government	May 2025
Public Examination (Regulation 22)*	May 2025 to July 2026
Inspector's Final Report published*	July 2026
Adoption by the Council*	September 2026

* Subject to Planning Inspectorate Timetable

5.0 Alternative options

- 5.1 The requirement to review a Local Plan and the stages of consultation on a local plan review are set out in regulations.

- 5.2 Alternative Option 1 – No Change: The existing plan covers 15 years from its adoption date – up to 2035. As of the five year review date (2025) the Plan will no longer cover the required 15 years. There have also been significant changes in legislation and national policy that are not reflected in the plan. Without addressing these issues there is an increasing risk that the Plan will be considered 'out of date' and the 'Presumption in Favour of Sustainable Development' will have to be applied when determining planning applications, under which the Council will not be able to apply local policies and requirements, including relating to where development is located.
- 5.3 Alternative Option 2 – Full Review: We consider that the majority of the plan is working well. A full review would require significant additional investment in time and resources. It would also open the potential for objections to aspects of the Plan that are currently working well.
- 5.4 For these reasons the preferred option is to undertake a partial review of the Plan.

6.0 Implications for consideration – Financial and value for money

- 6.1 The consultation is expected to be undertaken within the constraints of the existing Strategic Planning and Key Sites budget. Should additional costs be incurred, these will be drawn from the existing Local Plan budget reserve, which is set up to cover the costs of preparing and examining the Local Plan.
- 6.2 Preparation and review of the Local Plan also involves significant allocation of resources in preparing and updating evidence to support the Local Plan. Although not directly considered in this report, this is anticipated to be met direct work undertaken by officers or, where this is not practical from the Service's Professional Services Budget, or the Local Plan Budget reserve. Officers are engaging with the Planning Policy teams in our neighbouring planning authorities and Derbyshire County Council to maximise the benefits of joint working and shared procurement.

7.0 Implications for consideration – Legal

- 7.1 The consultation undertaken is required by, and will be undertaken in accordance with, the Town and Country Planning (Local Planning) (England) Regulations 2012.

8.0 Implications for consideration – Human resources

- 8.1 The consultation will be undertaken by the Strategic Planning and Key Sites team. There are no HR considerations.

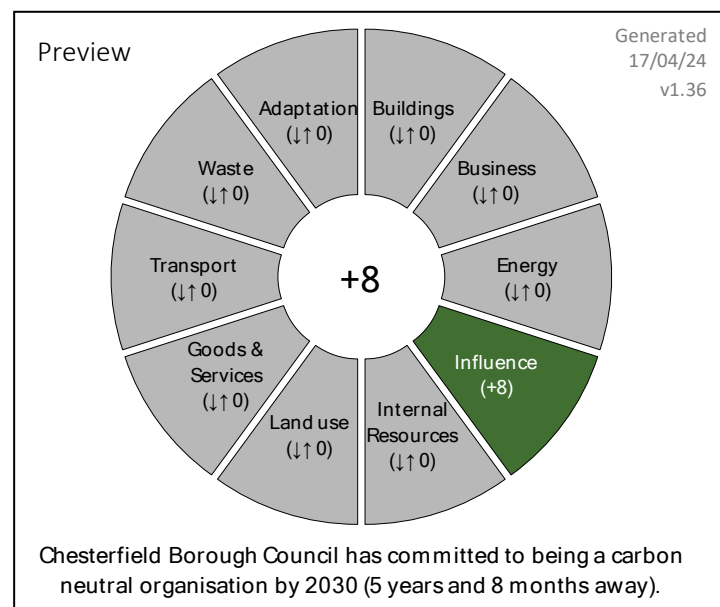
9.0 Implications for consideration – Council plan

9.1 The Local Plan contributes to a range of Council's Priorities as set out in the Council Plan 2023-27, including.

10.0 Implications for consideration – Climate change

10.1 The Regulation 18 stage of the Local Plan review will not set any policies or allocate land. Business activities in connection with the review are within the scope of 'business as usual'. The impact of the activity across most areas of climate change will therefore be neutral at this stage.

10.2 However the consultation and engagement will raise the profile of climate and development related issues. The activity has therefore been scored positively in respect of 'influence' using the Council's Climate change impact assessment tool.



11.0 Implications for consideration – Equality and diversity

11.1 A preliminary Equality impact assessment has been undertaken. At this stage the conclusion is that a full assessment is not required as the Regulation 18 consultation will not itself result in any new policy or development activity. At the next stage of preparation (Regulation 19), a new Local Plan will be prepared and subject to a further assessment before being presented for approval by a meeting of Full Council prior to submission to the Secretary of State. This will overlap with the legal requirement to undertake a comprehensive Sustainability Appraisal of the Plan.

12.0 Implications for consideration – Risk management

12.1

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Consultation raised significant unanticipated issues	Medium	Low	A thorough review of the existing plan and monitoring data has been undertaken. Utilise delegation to undertake additional focussed consultation if required	Low	Low
Further changes to legislation/policy issues during consultation process	Medium	High	Maintain review of emerging policy & legislation and ensure consultation is undertaken in accordance with any transitional arrangements	Low	High

Decision information

Key decision number	1242
Wards affected	All

Document information

Report author	
Alan Morey – Strategic Planning and Key Sites Manager	
Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
NA	
Appendices to the report	
Appendix 1	NA
Appendix 2	NA

