



**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**REPORT COVER SHEET**

<b>Title of Report:</b>	Regulation 10a Review of The Local Plan		To be marked with an 'X' by Democratic Services after report has been presented
<b>Meeting of:</b>	Full Council		
<b>Is this an Executive Decision:</b>	NO	<b>Is this a Key Decision?</b>	YES
<b>Is this in the Forward Plan:</b>	YES	<b>Is the Report Confidential:</b>	YES
<b>If so, please state relevant paragraph from Schedule 12A LGA 1972:</b>	Paragraph 3		



**Essential Signatories:**

**ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE**

Monitoring Officer: **Chris Ebberley**

Date ..... Signature .....

Chief Finance Officer: **Sal Khan**

Date ..... Signature .....

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**Report to Full Council**

**Date: 13<sup>th</sup> December 2021**

**REPORT TITLE: Regulation 10A Review of the Local Plan**

**PORTFOLIO: Planning**

**HEAD OF SERVICE: Sal Khan**

**CONTACT OFFICER: Naomi Perry Ext. No. x1611**

**WARD(S) AFFECTED: All**

**1. Purpose of the Report**

1.1. The East Staffordshire Borough Council Local Plan 2012 - 2031 was adopted by Full Council on 15 October 2015. The Local Plan forms part of the Council's statutory development plan and sets the spatial strategy for the Borough. The Plan was prepared in accordance with relevant legislation. This was ratified by an Independent Inspector.

1.2. It is a requirement of law that Planning Authorities complete a review of Local Plans. This is established in the Town and Country Planning (Local Planning) (England) as amended Regulation 10A which states:

*(1) A local planning authority must review a local development document within the following time periods-*

*(a) In respect of a local plan, the review must be completed every five years, starting from the date of adoption of the*

*local plan, in accordance with section 23 of the Act (adoption of local development documents)*

- 1.3. The Local Plan review was undertaken during 2020. This review was undertaken in line with policy SP6 of the Local Plan and Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2017 as amended.
- 1.4. At an Extraordinary Council meeting on 19th October 2020, the recommendation that the update to the Local Plan be delayed for a maximum of 5 years, was agreed.
- 1.5. As such the adopted Local Plan remains in use, and forms part of the Development Plan for East Staffordshire.
- 1.6. The recommendation also included the need to carry out an **annual review**. The report forms the annual review for 2021.

## **2. Executive Summary**

- 2.1. This report reviews the Council's Local Plan in line with policy SP 6 of the Local Plan and Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2017 as amended, in light of changes to national planning policy and guidance to date. The paper assesses the need for the Council to undertake an update to its adopted Local Plan following the review.
- 2.2. This paper sets out the 2021 assessment of the Local Plan.
- 2.3. The driver for undertaking an update to the Council's Plan is linked to incremental changes to National Planning Policy Framework (NPPF) since the local plan was produced, and the fact that the local plan was adopted more than 5 years ago.

- 2.4. The NPPF has changed since the existing Plan was adopted, with three revisions since that time, and the latest update published on the 19<sup>th</sup> July 2021. Alongside this there has also been a number of amendments and additions to planning practice guidance and written ministerial statements. To date there has been no new legislation relating to the proposals set out in the Planning White Paper published in autumn 2020 and this is still awaited as of October 2021.
- 2.5. Inevitably the Council's policies will need to be updated to reflect these changes in due course. Notwithstanding this the Council continues to maintain a strong 5-year land supply position. This indicates that the policies in the existing Plan are still relevant and robust. Housing delivery performance has been effective and there is still a good supply of sites to be delivered.
- 2.6. To ensure that the Authority protects itself against future legal challenge Planning Policy officers assessed the Plan in the same way as in 2020 with the addition of the following:
- Assessed all appeal decisions from the last 12 months
  - Assessed the policies in the Local Plan against the 2021 NPPF
  - Assessed the policies in the Local Plan against any new planning practice guidance and ministerial statements since the last review

### **3. Background**

- 3.1. East Staffordshire Borough Council adopted its existing Local Plan in October 2015. During the review process in 2020 the following were taken into account in coming to a decision of whether to update the Plan:
- National legislative updates/ National policy;
  - Strategic direction of the Authority;
  - Land supply position (5-year land supply);
  - Performance of adopted Plan in terms of delivery against all objectives;
  - Significant environmental changes;

- Delivery of infrastructure; and
- Wider strategic impact e.g., neighbouring authorities' unmet housing needs.

3.2 National Planning Practice Guidance, states that:

*"...Local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. Most plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand. Plans may be found sound conditional upon a plan update in whole or in part within 5 years of the date of adoption. Where a review was undertaken prior to publication of the Framework (27 July 2018) but within the last 5 years, then that plan will continue to constitute the up-to-date plan policies unless there have been significant changes as outlined below. There will be occasions where there are significant changes in circumstances which may mean it is necessary to review the relevant strategic policies earlier than the statutory minimum of 5 years, for example, where new cross-boundary matters arise. Local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method, or has been subject to a cap where the plan has been adopted using the standard method. This is to ensure that all housing need is planned for as quickly as reasonably possible."*

## **2021 Assessments**

### *National legislative updates/ National policy*

3.3 Since October 2020 there have been a number of changes to the NPPF and planning guidance. It is therefore important that a full assessment of the Local Plan policies against these changes is carried out.

### *Strategic direction of the Authority*

3.4 There is no strategic direction at the Authority which establishes the need for a new Local Plan. In particular there is no publicly announced expressed desire to grow beyond current Local Plan requirements. The Council's priorities within the 2021/ 22 Corporate Plan are:

- Value for money
- Community Regeneration
- Environment and Health and wellbeing

3.5 The Council have established a number of objectives with those relevant (directly or indirectly) to planning functions listed below:

- **Streamlining the Section 106 Process** (Target Ref No. VFM40, VFM41): Prepare a guide which will set out the approach to prioritising S106 contributions where there is limited viability.
- **New and Refreshed Planning Policies & Technical Guidance** (Target Ref No. CR12, CR27, CR28): Develop a Tourism Technical Guide as well as guidance on achieving biodiversity net gains and a Local Sustainable Development (Climate Change) SPD.
- **Monitor the Performance of the Local Plan** (Target Ref No. VFM36, VFM37) - Annual Monitoring Report, prepare a Strategic Housing Land Availability Assessment and continue to calculate our Five-Year Housing Land Supply position and performance against the national housing delivery test.
- **Supporting Neighbourhood Plans** (Target Ref No. CR11): Continue to support neighbourhoods with the development and review of their Neighbourhood Plans, including the Rolleston on Dove NP
- **Deliver transformative regeneration for Burton upon Trent through the Towns Fund** (Target Ref No. CR13, CR14, CR15, CR16) Following the submission of the Town Investment Plan for Burton in December 2020; 2021/22 approved intervention projects will go through a business case development process prior to being implemented. This includes delivery of 'shovel ready' projects.

- **Support the regeneration of Uttoxeter through the Uttoxeter Masterplan** (Target Ref No. CR17, CR18): consultation on the key sites identified in the Uttoxeter Masterplan.
- **Support the delivery of affordable housing on brownfield land through the utilisation of S106 commuted sums** (Target Ref No. CR19): Review existing strategy
- **Climate Change** (Target Ref No. EHB15) in response to national and international concerns around Climate Change the Council declared a 'Climate Emergency' in August 2020. The target is to report on all actions identified for 2021/22 as set out in the Climate Change Action Plan

3.6 Whilst this is an extensive set of objectives, none specifically rely on the need for a new Local Plan to be implemented in order for the objective to be met and there is nothing within the objectives which indicates a specific trigger to update the Local Plan.

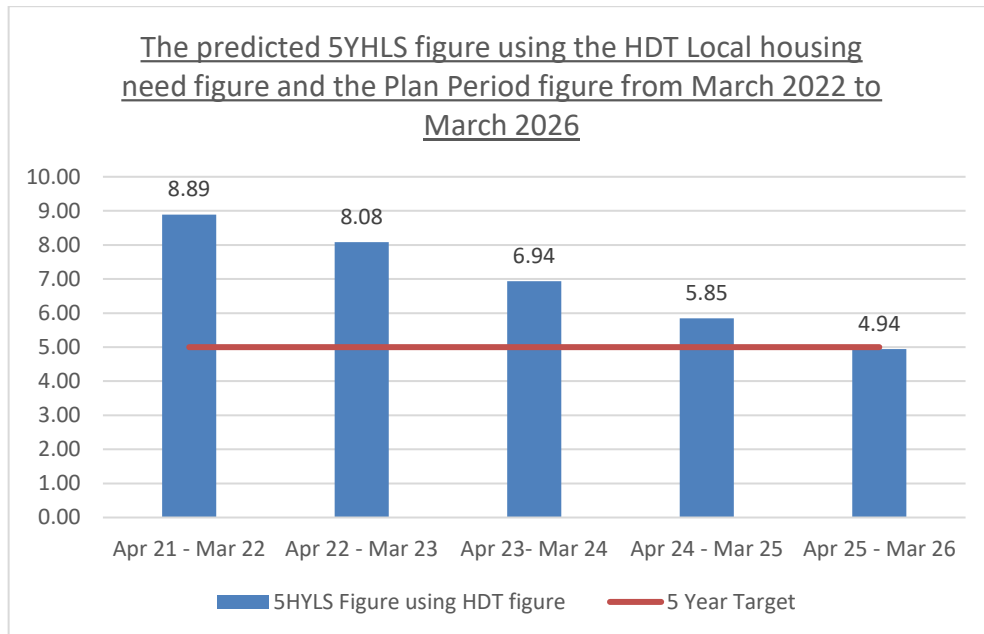
*Land supply position (5-year land supply)*

3.7 The Council have a strong five-year land supply position which has been sustained since its adoption. Within the latest published document (March 2021) the Council's 5-year land supply position stands at 5.67 years based on the calculation methodology of the 2015 plan. Were an authority's land supply identified as being below 5 years, it is reasonable to conclude that an update is necessary, however East Staffordshire can demonstrate a strong position.

3.8 Local Planning Authorities can also calculate their five-year land supply position on the national standard housing methodology. For East Staffordshire this will result in 8.89 years of supply. **In the next biannual supply update we intend to calculate the 5-year supply based on the standard methodology, in line with paragraph 74 of the NPPF for plans over 5 years old.** Using this method the authority can also show a strong 5 year land supply.



3.9 A future projection on the standard methodology for calculating the five-year land supply has been carried out and is set out below. Based on these figures, which show a slowly declining 5-year supply, it would be reasonable to begin carrying out evidence gathering for a new Local Plan ready for when a formal update process for the new plan is announced.



*Performance of adopted Plan in terms of delivery against all objectives*

3.10 The local plan performance indicators shows ‘on track’ or ‘achieved’ for all indicators. The indicator performance tracker is included at Appendix 1

*Significant environmental changes*

3.11 It is not considered there are any significant environmental changes at this stage which require an update to the Local Plan. Changes in the Planning Bill (when it is introduced to parliament) could have relevance in the coming years.

3.12 Whilst new policies may be required to deliver the Borough Councils Climate Change Action Plan this is not known at this stage. A climate change SPD is also being prepared over the next year which can provide guidance and advice in the short term.

#### *Delivery of infrastructure*

3.13 The Council have successfully progressed the following schemes:

- Infrastructure works at Dove Way, Uttoxeter - Installation of access road and utility connections to land adjacent 'Dove Way in Uttoxeter', facilitating the creation of a new HWRC and (forthcoming) commercial development comprising B1, B2, and B8 uses.
- Infrastructure works at Pennycroft Lane, Uttoxeter - As a separate phase to the Dove Way scheme referenced above this is on the other side of Dove Way. This involved land remediation and an access road to change the use of a former industrial site into housing.
- Branston Locks, Burton - Large infrastructure project by Staffordshire County Council with Nurtons, using funding from Stoke and Staffordshire LEP. Installation of infrastructure that was predominantly around the access roads, facilitating a major mixed use scheme and urban extension of the town.
- Carters Square, Uttoxeter – a town centre redevelopment to enhance the retail offer of the centre.
- Inner Burton Initiative, Burton – a shopfront improvement project.

3.14 In addition to the above the Council continue to make good progress with delivering strategic sites and associated infrastructure.

*Wider strategic impacts e.g. neighbouring authorities' unmet housing needs*

3.15 East Staffordshire has traditionally operated within its own housing market area. The administrative area of East Staffordshire is bordered by the following planning authorities:

- Lichfield District Council
- South Derbyshire District Council
- Stafford Borough Council
- Staffordshire Moorland District Council
- Derbyshire Dale's District Council

3.16 The above authorities' sit within the Derby HMA, Greater Birmingham HMA and their own respective HMA's. There have been no recent requests made to support unmet needs from these Authorities or that of their wider HMAs<sup>1</sup> or any request or indication that a new Local Plan is required to order to deliver any statutory bodies strategic objectives. It is for this reason that there does not appear to be a driver for an update in this context.

3.17 Planning Policy officers contacted Staffordshire County in September 2021 to ask them if any new corporate priorities at County had arisen in relation to planning, or anything else that might be material to our report on whether to review the East Staffs local plan this year. Their response was that "...there are no material changes this year, we would welcome a more rounded policy discussion to explore where the SIP/Corporate Strategic Plan would benefit from ESBCs/SCCs approach to Spatial Planning and enhanced two-tier working." Planning Policy will continue with these Duty to Co-Operate meetings in the coming year.

3.18 Planning Policy officers also consulted external legal counsel as to the contents of this report during its preparation, to ensure that it was in

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<sup>1</sup> There was a formal approach by Derbyshire Dale's a number of years ago but nothing in their current plan making timescale.

accordance with current planning law and guidance. The barrister confirmed that the approach was lawful and likely to be upheld by planning inspectors.

### *Housing delivery performance and economic changes*

3.19 It has been demonstrated that the Council's performance has been effective with the exception of affordable housing. SP 6 focuses specifically on the changes to need and demand for development. Since the Plan was adopted there has been a change to the method of determining need. Government have established a standardised method for calculating housing need. Under this method the Borough generates a need of circa 430 dwellings per annum, which is lower than the 2015 Local Plan figure.

3.20 In addition to considering the standard method for housing need the Council commissioned Oxford Economics in 2020 to undertake an assessment of the economic position of the Borough. This commission identified the following:

- Employment growth faster than expected
- Productivity reduced
- GVA now broadly in-line with west midlands (this is an improvement)
- Population and employment expected to decline from mid 2020s
- Employment is still buoyant
- New sectors emerging – digital, information and energy generation
- Lower rate of business churn comparatively to wider region
- Out/ in commuting flows are even

## **4 Conclusion**

4.1 The driver for undertaking an update to the Council's Plan is linked to the lack of alignment with the NPPF. The NPPF has significantly changed since the existing Plan was adopted.

- 4.2 The assessment contained in this report deems it reasonable that the update to the Plan can be delayed for a further year with some initial evidence base gathered over that time, and a building up of resources and information necessary for the annual assessment in 2022.

## **5 Contribution to Corporate Priorities**

- 5.1 This paper supports VFM 38

## **6 Financial Considerations**

*This section has been approved by the following member of the Finance Team: Anya Murray*

- 6.1 The report does not recommend updating the Local Plan at this time but again, to review the situation annually. Any review of the plan will have financial implications for the council although this is anticipated as all plans require periodic review. Any financial implications will be considered annually as part of the development of the Medium Term Financial Strategy.

## **7 Risk Assessment and Management**

### **7.1 Negative:**

7.1.1 There is a risk that by not taking the appropriate action the Authority could be in position of 'planning by appeal'.

## **8 Legal Considerations**

*This section has been approved by the following member of the Legal Team: Sherrie Grant*

- 8.1 There are no significant legal issues arising from this report.

## **9 Equalities and Health**

- 9.1 **Equality impacts:** An Equality impact assessment is not required for this report

- 9.2 **Health impacts:** A health impact assessment is not required for this report.

## **10 Human Rights**

10.1 There are no Human Rights issues arising from this Report

## **11 Sustainability (including climate change and change adaptation measures)**

11.1 N/A in the context of this report. Future decisions on the Local Plan could have an impact on climate change, which would be considered in those reports, and through the sustainability appraisal of a future local plan.

## **12 Recommendation**

12.1 In accordance with the resolution of the Extraordinary Council meeting of the 19th October 2020; Development Plan Committee recommend Full Council agree to defer the review of the East Staffordshire Local Plan until at least November 2022.

## **13 Appendices**

13.1 Appendix 1: Performance of adopted Plan in terms of delivery against all objectives

13.2 Appendix 2: Compliance of Local Plan policies against the National Planning Policy Framework (NPPF) and National Planning Policy Guidance