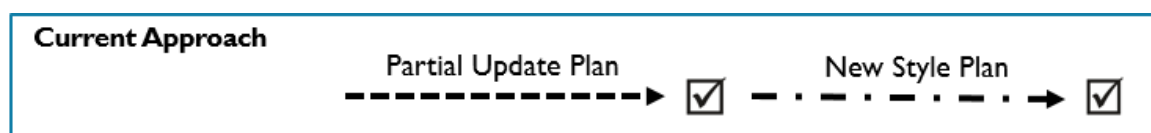


## ANNEX G: UPDATING THE ADOPTED LOCAL PLAN – THE SCENARIOS

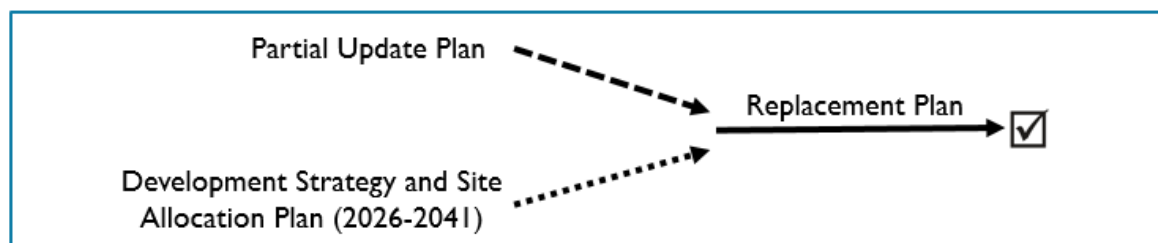
- 1.1. Annex G is to note only and it provides the rationale for preparing two local plans concurrently. It describes and explains the current complexities of navigating the government’s planning reforms and its impact on the council’s plan-making programme of work.
- 1.2. The current programme of work is to update partially the adopted Local Plan and then to carry out a full update in a ‘New Style Plan’.

### *The Current Scenario.*



- 1.3. The government’s planning reforms have advanced in recent months with the Royal Assent of the Levelling Up and Regeneration Act (the Act). This prompts a need to reflect on the plan-making process and the scale of the update to the adopted Local Plan.
- 1.4. Chiefly, there are two main drivers influencing a change to the local plan-making approach.
- i. Opportunity to reduce future spend; and
  - ii. Ensuring the council maintains a five year housing land supply from 2026.
- 1.5. Initial consideration of the available options focussed on continuing with the programmed ‘Partial Update Plan’ followed by a ‘New Style Plan’ (Current Scenario) or to transition to a full ‘Replacement Plan’ now (Scenario 1).

### *Scenario 1 - Replacement Plan approach.*



- 1.6. An assessment of these two options is provided at paragraph 1.19. This explains there are two different rationales at play. If the focus is on the delivery of corporate objectives as soon as possible - to make the plan green to the core - then the bias is towards the Partial Update Plan (current approach). If a long term position is taken on costs and addressing future strategic planning needs then the bias is towards transitioning to a Replacement Plan (Scenario 1).
- 1.7. However, the government has set a deadline for councils to transition to the new plan-making system. Councils have until the 30 June 2025 to submit their emerging plans using extant national planning policies, guidance and regulations.
- 1.8. The risks of failing to meet this hard deadline are potentially severe to the council. If the council fully committed to a Replacement Plan (Scenario 1) but found it was then unable to meet the 30 June 2025 deadline because, for example, progress on the new development strategy and site allocations had not progressed sufficiently far enough, then it would lose its ability to alter development management policies which are central to delivering the council’s ambition to make the adopted Local Plan green to the core. In effect, it risks

significant abortive work spent over the last two years on updating local plan policies. This is because the council would be required to prepare a New Style Plan which restricts a council's ability to prepare local development management policies. Work on the development strategy and site allocations would be largely unaffected owing to the nature of the New Style Plan.

- 1.9. Government reforms are rarely smooth or delivered on time, so it is not difficult to envisage some slippage and changes nearer to that deadline. The recent experience of the new biodiversity net gain policy is a good example. There will also be a General Election that will occur no later than late January 2025, which may affect timetables and the wider planning reforms. Be that as it may, the council has to take the government at its word and assume the deadline is immutable. Therefore, the council needs to find an approach that allows it to progress plan-making but in a way that doesn't invite unnecessary risk.

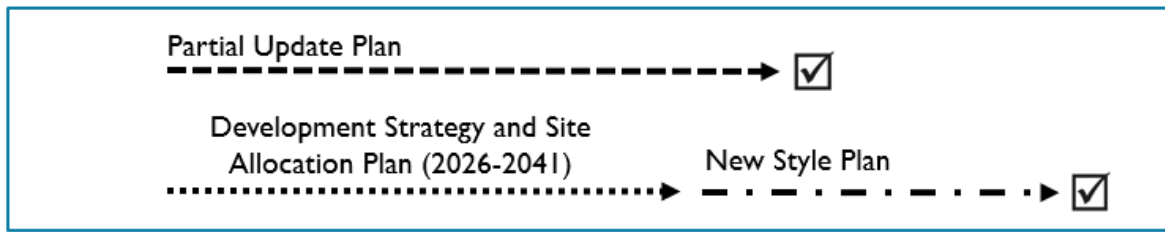
The advocated approach

- 1.10. Officers recommend pursuing a Replacement Plan approach (i.e. draft policies, a development strategy and new site allocations up to 2041), advocated in Scenario 1. However, the council does not need to formally join the two components of the Replacement Plan together now.
- 1.11. In technical terms, the recommendation requires the council to commit to preparing a Development Strategy and Site Allocations Plan (2026-2041) alongside the Partial Update Plan (2011-2031). This is because a new development strategy cannot form part of Partial Update Plan, as it would cease being a Partial Update Plan.
- 1.12. If the subsequent conditions are met the 2026-2041 plan would be combined with the Partial Update Plan become the *Replacement Plan*. If the conditions are not met the 2026-2041 plan would become a *New Style Plan*. The Local Development Scheme at Annex D provides further technical details.
- 1.13. The decision to transition to a Replacement Plan would be contingent on the following conditions:
- Sufficient progress has been made on the Development Strategy and Site Allocations Plan (2026-2041) to meet the 30 June 2025 deadline. E.g. traffic modelling, the cost of new infrastructure and other evidence and engagement indicates that the strategy is “aspirational but deliverable”<sup>1</sup>; and
  - Clarity on the planning reforms, including the awaited update to the National Planning Policy Framework, proposed new National Development Management Policies and new secondary planning legislation / regulations to add the detail missing from the Act.
- 1.14. If these conditions are not satisfied by December 2024 then the course of action would be to submit the Partial Update Plan for independent examination in public by June 2025. The Development Strategy and Site Allocations Plan (2026-2041) would be transitioned to a New Style Plan and submitted for independent examination in public after June 2025. This is illustrated in Scenario 2.

*Scenario 2 - Partial Update Plan and New Style Plan.*

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<sup>1</sup> As required by NPPF (September 2023) paragraph 16



- I.15. By continuing with the ongoing Partial Update Plan and commencing a Development Strategy and Site Allocations Plan (2026-2041), but not formally joining the two together now, the council can keep its options open and ‘hedge its bets’.
- I.16. This hybrid approach – aiming to achieve Scenario 1 but with a fall back option of Scenario 2 – may deliver future cost savings. Fundamentally, however, it ensures the council’s green to the core ambitions can be submitted for independent examination in public by the government’s 30 June 2025 deadline.
- I.17. In summary, planning reforms are complicating plan-making and they require convoluted approaches to ensure progress can be made without placing the council at risk abortive work costing hundreds of thousands of pounds of investment and which took years to prepare. Although not advocated, it is completely understandable why some councils have paused their plan-making activities until the new system beds in.
- I.18. The advocated approach is to continue with the Partial Update Plan and to begin a new plan with a plan period of 2026 to 2041 that focusses on updating the council’s the development strategy and allocating sites to meet development requirements up to 2041. By December 2024, the council will need to make a judgement call based on whether sufficient work has been made on the Development Strategy and Site Allocations Plan to merge it with Partial Update Plan to create a Replacement Plan that can be submitted ahead of the 30 June 2025 deadline.

A comparison of current approach vs replacement plan approach

- I.19. A comparison has been made of the current linear approach verses combining the Partial Update Plan with a New Development Strategy and Site Allocations Plan (Scenario 1) to form a Replacement Plan. Scenario 2 would be a fall-back option to the Replacement Plan approach (Scenario 1) and it is not considered in the table. This is because the benefits and costs would largely mirror the Partial Update then New Style Plan (the current approach).

Table I: Comparison of current approach vs Scenario 1

Considerations	Current Approach: Partial Update then New Style Plan	Scenario 1: Replacement Plan
<b>Timescales</b> – The route to adoption of a new Replacement Plan	The Partial Update Plan would be submitted in early 2025 with adoption in 2025/6. A New Style Plan would then be prepared using the new plan-making regulations and adoption is estimated to be 2028.	The Partial Update Plan and the Development Strategy and Site Allocations Plan would be combined within a single Replacement Plan, which would be submitted no later than 30 June 2025. Adoption is estimated to be in 2026.

<b>Considerations</b>	<b>Current Approach: Partial Update then New Style Plan</b>	<b>Scenario I: Replacement Plan</b>
<b>Policies updated</b>	The Partial Update Plan has so updated approx. 65 policies. Policies would cover the period to 2031.	To transition to a replacement plan would require approx. 25 additional policies to be updated (a total of 90 policies). Chiefly, development strategy policies and site allocations. Partial Update Plan and Development Strategy and Site Allocations Policies would cover the period to 2041.
<b>Evidence gathered (approx.)</b>	Approx. 35 studies are required to support the justification of updated policies in the Partial Update Plan. Typically evidence has a shelf life of approx. five years, although this can range depending on the topic. Therefore supporting evidence would need to be updated again.	Approx. 45 studies are required to support the justification of updated policies and a new development strategy (including new site allocations).
<b>Costs (approx.)</b>	£1.52M – Costs assume: four formal consultations, two examinations in public, additional evidence to justify the new development strategy and refreshing out-of-date evidence.	£1.1M – Costs assume: two formal consultations, one examination in public, and additional evidence to justify the new development strategy.
<b>Housing Supply</b>	A Partial Update Plan would further secure the council's five year housing land supply in the short term but it would become increasingly less certain from 2026. This option does not allocate land to meet needs arising in the 2030s, which may increase the risk of planning by appeal the nearer to the end of plan period gets before the council updates its plan fully.	This option allocates land to meet needs arising in the 2030s. This would better secure the council's five year housing land supply and would therefore better mitigate speculative applications.

1.20. There are two different rationales at play. If the focus is on the delivery of corporate objectives as soon as possible, i.e. to make the plan green to the core, then the bias is towards the Partial Update Plan. However, if a long term position is taken on costs and

addressing future strategic planning needs then the bias is towards transitioning to a replacement plan.

- 1.21. With respect to the Council's five year housing supply and under a partial update approach, the Council may become increasingly reliant on the government's housing need figures as the basis for measuring its five year housing land supply rather than using its locally derived housing requirement that takes consideration of the constraints and opportunities within the district; and therefore reducing the council's sovereignty.
- 1.22. Whilst a partial update plan can be achieved sooner than a replacement plan – approximately nine months sooner – in practice it is part of a longer-term programme of work. This is because the council will be required to fully update its local plan well before the end of the plan period in 2031. It is also likely that the government will be 'incentivising' authorities to prepare a New Style Plan following the adoption of the Partial Update Plan. Transitioning to a Replacement Plan now would deliver a new 15 year plan approximately two years earlier than current arrangements (i.e. a Partial Update Plan followed by a New Style Plan). It is expected that the transition would be more cost effective in the long-term. Although both options require additional investment.