

Name of meeting: Cabinet
Date: 30th May 2017
Title of report: Update on the Kirklees Local Plan and the Community Infrastructure Levy

Purpose of report

1. To provide Cabinet with an update on progress on the Local Plan and the Community Infrastructure Levy.
2. To delegate to the Strategic Director, Economy and Infrastructure, the power to update the Local Plan timetable (the Local Development Scheme) on a regular basis throughout its Examination in Public via the Council's website.
3. To delegate to the Strategic Director, Economy and Infrastructure, in consultation with the Leader and Deputy Leader of the Council, the power to prepare and agree a schedule of proposed main modifications (related to matters discussed at the examination hearings) for a 6 week public consultation and other minor modifications as may be necessary to modifications to make the plan sound and comply with other legal requirements.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes. Updates to the Local Development Scheme and potential modifications to the Local Plan and CIL have the potential to affect all wards
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Yes - Key Decision Notice published 28 th April 2017
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic <u>Director</u> & name	Naz Parkar - 19.05.2017
Is it also signed off by the Service Director - Finance, IT and Transactional Services?	Debbie Hogg - 03.05.2017
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft - 17.05.2017
Cabinet member portfolio	Cllr Peter McBride (Economy, Skills, Transportation & Planning) Cllr David Sheard (Strategy and Strategic Resources, New Council and Regional Issues) Cllr Shabir Pandor (Strategy and Strategic Resources, New Council and Regional Issues)

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

1. Summary

Members will recall that the decision to publish and submit the Publication Draft Local Plan and the Community Infrastructure Levy (Draft Charging Schedule) were considered at an extra-ordinary Council meeting on 12th October 2016 where it was agreed that they would be made available for comments on legal and soundness tests and that authority be delegated to the Strategic Director, Economy and Infrastructure, to submit the Local Plan and the Draft Charging Schedule to the Secretary of State for independent examination in public together with any proposed minor modifications.

The publication stage consultation closed on 19th December 2016 and following completion of analysis of the comments received and completion of the Habitat Regulations Assessment and Sustainability Appraisal, the Local Plan was submitted to the Secretary of State for the purposes of an Examination in Public in accordance with the Town and Country Planning (Local Plans) (England) Regulations 2012 on 25th April 2017. In addition the Community Infrastructure Levy (Draft Charging Schedule) was also submitted for examination in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) on 25th April 2017. Both documents will now be examined by an independent Planning Inspector appointed by the Secretary of State.

This report:

- Sets out a summary of the outcomes of the publication consultation and the process of submission and examination.
- Seeks a decision to delegate authority to the Strategic Director, Economy and Infrastructure, to update the Local Plan timetable (the Local Development Scheme) on a regular basis throughout its Examination in Public via the Council's website.
- Seeks a decision to delegate authority to the Strategic Director, Economy and Infrastructure, in consultation with the Portfolio Holder(s), to prepare and agree a schedule of proposed main modifications (related to matters discussed at the examination hearings) for a 6 week public consultation, if required by the Planning Inspector, in accordance with the Council's statement of community involvement, and other minor modifications as may be necessary to make the plan sound and comply with other legal requirements.
- The timetable for the local plan is set out in the existing Local Development Scheme with the Examination set out for April-November 2017 and adoption of the plan early 2018. The more detailed timetable for the Examination, including hearing sessions and any additional consultation will be dictated by the appointed Planning Inspector, via the Programme Officer.

2. Information required to take a decision

a. Outcomes of the Publication Draft Local Plan and CIL Draft Charging Schedule consultation and submission to the Secretary of State for examination

As required by planning legislation the Council has prepared statements of consultation for the Local Plan and the Community Infrastructure Levy. These reports are available to view on the Council's website. The Council consulted on the following documents between 7th November to 19th December 2016, in accordance with the protocols agreed by Cabinet/Council and as required by planning legislation and the Statement of Community Involvement:

- Kirklees Publication Draft Local Plan - Strategies and Policies
- Kirklees Publication Draft Local Plan - Allocations and Designations
- Green belt boundary changes
- Rejected site options
- Kirklees Publication Draft Local Plan Sustainability Appraisal
- Community Infrastructure Levy (CIL) - Draft Charging Schedule

In total the Council received 5815 comments on the Local Plan documents which break down as follows:

Local Plan Strategy and Policies	752
Local Plan Allocations and Designations	3723
Green Belt Boundary Changes	27
Rejected Site Options	1244
Sustainability Appraisal	69
	Total comments = 5815

In addition to individual comments the Council also received 7 petitions which were recorded against relevant policies and proposals as follows:

Petition Group	Number of signatures	Policy/Site Reference
Merchant Fields Residents	10	H69 (Merchant Fields, Hunsworth Lane, Cleckheaton)
Smithies Community Group	127	H138 (Land south of Mill Street, Birstall)
Horses not Houses	36,663	H2089 (Land to the south of Raventhorpe Road/Lees Hall Road, Dewsbury))
Cumberworth Community Association	235 (over 4 separate petitions)	ME2248a, ME2248b, ME2248c and ME2314 (Bromley Farm Quarry, Upper Cumberworth and Land north of Cumberworth Lane, Lower Cumberworth)

In relation to the Local Plan documents most respondents focussed on soundness issues rather than legal issues. In terms of soundness issues the majority of comments related to whether the strategy and policies were 'justified' i.e. the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. This was particularly the case in relation to land use allocations where respondents suggested that the evidence base underpinning the Council's decision was not sufficiently robust.

As well as the above 24 new site options were received. These options have been submitted to the Secretary of State for consideration during the Examination in Public. New site options can only be added to the Local Plan through making main modifications which would require further public consultation and technical assessment.

In total the Council received 23 comments on the Community Infrastructure Levy Draft Charging Schedule. Most of the comments related to how CIL revenue should be spent in the future, challenges to the viability assumptions for different parts of Kirklees, and to how the Council might collect CIL revenue from landowners/developers.

The Council is required to provide a summary of the main issues raised. This information is set out in the 'Statement of Publication Consultation and Summary of Main Issues' document and the 'Kirklees CIL Statement of Consultation and Summary of Representations' document.

In all cases the comments will now be considered during the respective examinations for the Local Plan and the Community Infrastructure Levy.

b. The Examination in Public

The Local Plan and the Community Infrastructure Levy (Draft Charging Schedule) will be examined by an independent Inspector from the Planning Inspectorate whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The Examination in Public is conducted by the Inspector and they are responsible for the timing of the examination and its main stages.

The Council has appointed a Programme Officer to liaise between the Council, other interested parties and the Inspector and to run the day to day Examination in Public programme.

The Council's current Local Development Scheme sets out a high level timeframe for the completion of the Examination in Public, however it does not contain detailed information regarding the weekly progress of the examination, including the information requests from the Planning Inspector and their deadlines, the potential timing of oral hearing sessions, the timing of any additional consultation on modifications and the timing of the Inspector's final report. The Council is required to provide up-to-date information on its website throughout the Examination in Public to keep interested parties informed about the latest information and events. This could result in daily updates to the website. This report seeks the delegated authority to the Strategic Director, Economy and Infrastructure, to update the Local Plan timetable (the Local Development Scheme) on a regular basis throughout its Examination in Public via the Council's website.

The Examination in Public starts from the submission date and closes upon receipt of the final Inspectors Report. As well as reviewing written representations the Planning Inspector is likely to conduct a series of roundtable public hearings. It is very common during the course of a Local Plan Examination in Public (particularly during the hearing sessions) for additional modifications to the Local Plan/Community Infrastructure Levy to be suggested by either the Council or third parties. The Council may be required to prepare and agree a draft schedule of proposed modifications for further discussion with the Inspector. The Council can ask the Inspector to recommend main modifications to make the plan sound or comply with other legal requirements during the Examination in Public. If main modifications are required, it will be necessary to carry out a 6 week public consultation in accordance with the Council's statement of community involvement.

In order to avoid delays in the Examination programme this report seeks delegated authority to the Strategic Director, Economy and Infrastructure, in consultation with

the Portfolio Holder(s), to prepare and agree a schedule of proposed main modifications (related to matters discussed at the examination hearings) for a 6 week public consultation in accordance with the Council's statement of community involvement, and other minor modifications as may be necessary to modifications to make the plan sound or comply with other legal requirements.

c. Final Adoption of the Local Plan

If the plan is found to be 'sound' following its Examination in Public, the Council will then need to make a final decision to adopt the plan. This would include the decision to adopt the plan with its proposed modifications. Until this stage, i.e. adoption of the Local Plan, the existing Unitary Development Plan will remain the statutory development plan for Kirklees. The decision to 'adopt' the plan after the Examination in Public requires a full Council meeting decision to be made at a later date. The Council's Local Development Scheme suggests this is likely to be in early 2018.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

None.

3.2 Economic Resilience (ER)

The timely production, examination and adoption of the Local Plan is a key building block for the Council's economic resilience theme. The Local Plan will have a direct impact on establishing a strong and sustainable economy (through forward planning for new jobs and employment land), leading to thriving communities (through forward planning for homes, open spaces and planning policy framework to manage new development in the district).

3.3 Improving Outcomes for Children

The Local Plan, will create thriving communities through forward planning for jobs, homes, open spaces and the necessary infrastructure to support growth. The production of the Local Plan has involved working with key infrastructure providers, including the Council's school planning team and our partners, to ensure that the infrastructure provision is sufficient or can be provided in line with the levels of development proposed through the Local Plan.

3.4 Reducing demand of services

None.

3.5 Legal/Financial or Human Resources

The publication and submission stages of the Local Plan have been carried out in accordance with the Town and Country Planning (Local Plans) (England) Regulations 2012 and the Community Infrastructure Levy Regulations 2010 (as amended).

The cost of the Examination in Public will be met from already agreed budgets.

4. **Consultees and their opinions**

N/A

5. **Next steps**

Appendix 1 of this report sets out the process of preparing a Local Plan. The Council has now reached the Examination stage. Further details will be published regarding the Examination in Public by the Planning Inspector and the Programme Officer through the Council's website. The Planning Inspector is likely to identify a series of main matters, issues and questions which will provide the main context of the Examination and initially seek written representations on these. Once the dates for any hearing sessions are provided the Council is required to advertise the date, time and venue of the hearings for a 6 week period before the hearings commence. Further public consultation and technical evidence may need to be prepared regarding potential modifications.

6. **Officer recommendations and reasons**

1. Officers recommend that Cabinet note the update and progress on the Local Plan and the Community Infrastructure Levy (Draft Charging Schedule).

Reason: to ensure that Cabinet are aware of the progress on the Local Plan and the Community Infrastructure and are aware of the Examination in Public process and it's potential timeframe.

2. Offices recommend that Cabinet approve delegated authority to the Strategic Director, Economy and Infrastructure, to update the Local Plan timetable (the Local Development Scheme) on a regular basis throughout its Examination in Public via the Council's website.

Reason: To ensure regular, timely updates can be made via the Council's website to the timetable for both the Local Plan and the Community Infrastructure depending on the latest advice from the Planning Inspector and the Programme Officer, including the timing of hearing sessions, potential timing of further public consultation on modifications and the timing of the Inspector's final report on the Local Plan and the Community Infrastructure Levy.

3. Officers recommend that Cabinet Members approve delegated authority to the Strategic Director, Economy and Infrastructure, in consultation with the Portfolio Holder(s), to prepare and agree a schedule of proposed main modifications (related to matters discussed at the examination hearings) for a 6 week public consultation, if required by the Planning Inspector, in accordance with the Council's statement of community involvement, and other minor modifications as may be necessary to make the plan sound or comply with other legal requirements.

Reason: To prepare modifications as the need arises during the hearing sessions which may be required to prevent the plan being found unnecessarily 'unsound' or being prematurely withdrawn as a result of a prolonged delay.

7. Cabinet portfolio holder's recommendations

Councillor Peter McBride, has been briefed on the content of this report and agrees with the officer recommendations set out.

8. Contact officer

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9. Background Papers and History of Decisions

Agenda and decision of the extraordinary Council meeting held Wednesday 12th October 2016

<https://democracy.kirklees.gov.uk/ieListDocuments.aspx?CId=534&MId=5200>

'Statement of Publication Consultation and Summary of Main Issues'

<http://www.kirklees.gov.uk/beta/planning-policy/local-plan-submission-documents-2017.aspx>

'Kirklees CIL Statement of Consultation and Summary of Representations'

[http://www.kirklees.gov.uk/beta/planning-policy/pdf/submission-documents/CIL_010_Kirklees_CIL_Statement_of_Consultation_and_Summary_of_Representations_\(April%202017\).pdf](http://www.kirklees.gov.uk/beta/planning-policy/pdf/submission-documents/CIL_010_Kirklees_CIL_Statement_of_Consultation_and_Summary_of_Representations_(April%202017).pdf)

10. Assistant Director responsible

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Appendix 1 (Source: National Planning Practice Guidance, DCLG)

