
Decision Maker: EXECUTIVE

For Pre-Decision Scrutiny at the Renewal, Recreation and Housing PDS Committee on 4 October 2022

Date: 6 October 2022

Decision Type: Non-Urgent Executive Key

Title: LOCAL PLAN REVIEW – TIMESCALES AND BUDGET

Contact Officer: Ben Johnson, Head of Planning Policy and Strategy
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Chief Officer: Tim Horsman, Assistant Director (Planning)

Ward: All Wards

1. Reason for report

- 1.1 This report sets out the stages and approximate timescales for the review of the Bromley Local Plan. The report also seeks approval of a budget to undertake the Local Plan review work, including the preparation of necessary evidence.
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2. **RECOMMENDATION(S)**

For Renewal, Recreation and Housing Policy Development and Scrutiny Committee members

- 2.1 That members note the intention to commence a review of the Local Plan and details of the review process.
- 2.2 That members endorse the proposed Local Plan review budget, prior to consideration by the Council's Executive.

For Executive members

- 2.3 That Executive agree to commence a review of the Local Plan; and note the details of the Local Plan review process.
- 2.4 That Executive agree the additional one-off funding of £600k for the Local Plan review process, as detailed in Section 5 of this report, to be met from the Council's Growth Fund earmarked reserve.

Impact on Vulnerable Adults and Children

1. Summary of Impact: No Impact
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Transformation Policy

1. Policy Status: New Policy – review of the Local Plan
 2. Making Bromley Even Better Priority:
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
 - (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
 - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
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Financial

1. Cost of proposal: the report seeks approval of a budget to support the adoption of a new Local Plan.
 2. Ongoing costs: The budget sought is considered appropriate to cover the costs of the Local Plan review process, alongside existing staffing resource in the Planning Policy and Strategy service.
 3. Budget head/performance centre: Planning Policy and Strategy
 4. Total current budget for this head: £0.568m
 5. Source of funding: Existing Revenue Budget for 2022/23
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Personnel

1. Number of staff (current and additional): 10 FTE
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Planning and Compulsory Purchase Act 2004; Town and Country Planning (Local Planning) (England) Regulations 2012
 2. Call-in: Applicable: Executive Decision.
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Procurement

1. Summary of Procurement Implications: N/A
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Property

1. Summary of Property Implications: N/A
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: The Local Plan review will include policies concerning carbon reduction and sustainability. The Local Plan will be subject to a sustainability appraisal which assesses the extent to which the policies within the document will help to achieve sustainable development.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Background

3.1 The Bromley Local Plan¹ was adopted in January 2019. Regulations require local planning authorities (LPAs) to review local plans 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. It is important to note that a Local Plan does not instantly become out-of-date after this five-year period, but it does mean there is greater scope for specific policies being classed as out-of-date. National Planning Practice Guidance (PPG) notes the following:

“Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method to ensure that a plan and the policies within remains effective. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies.”²

3.2 The five-year period for Bromley’s Local Plan would end in January 2024, but the London Plan also forms part of the Development Plan for Bromley, hence a number of policies, including the current housing target of 774 homes per annum, would not be at risk of being classed ‘out-of-date’ at this date; the five-year period for the London Plan would end in March 2026. This is important in relation to the Government’s Housing Delivery Test (HDT), as the housing requirement used as the basis for the HDT depends on the age of relevant strategic housing policies in a plan area; as the London Plan sets out an updated housing requirement figure for Bromley, this requirement would apply for the purposes of the HDT, until March 2026. Where housing requirements are over five years old (in the Local Plan and London Plan), the relevant ‘minimum annual local housing need figure’ applies; this is calculated using a standard methodology set out by the Government, and would likely result in Bromley’s housing requirement at least doubling.

3.3 PPG³ sets out various factors that could be considered as part of reviewing whether the plan needs to be updated, including conformity with national planning policy; whether the authority can demonstrate a five-year supply of deliverable sites for housing; whether issues have arisen that may impact on the deliverability of key site allocations; the impact of changes to higher tier plans; and whether any new social, environmental or economic priorities may have arisen.

3.4 A number of these issues are applicable to Bromley, notably:

- The publication of an updated National Planning Policy Framework in July 2021⁴;
- The adoption of the London Plan in March 2021⁵;

¹ Bromley Local Plan 2019, available from: <https://www.bromley.gov.uk/downloads/file/51/bromley-local-plan>

² Planning Practice Guidance, Paragraph: 064 Reference ID: 61-064-20190315, Revision Date: 15 03 2019, available from: <https://www.gov.uk/guidance/plan-making>

³ Planning Practice Guidance, Paragraph: 065 Reference ID: 61-065-20190723, Revision Date: 23 07 2019, available from: <https://www.gov.uk/guidance/plan-making>

⁴ National Planning Policy Framework (July 2021), available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

⁵ London Plan (adopted 2 March 2021), available from:

- The inability to demonstrate a five-year housing supply⁶; and
- Updated social, environmental and economic Council priorities⁷.

3.5 Officers consider that these issues are significant and require a full review of the Bromley Local Plan.

Local Plan review process

3.6 The review of the Local Plan is a long process involving multiple statutory stages.

3.7 As a first step in the process of updating the Local Plan, a call for sites consultation exercise was undertaken between August and November 2021. As part of this exercise, landowners, developers and other interested parties were invited to put forward potential development sites for allocation, for development of housing, employment and retail uses or any other uses. These sites will help to give an understanding of what land is available to meet different development needs.

3.8 The following table summarises the key stages in the Local Plan preparation process:

Local Plan Review stage	Comments
Evidence gathering	The Local Plan requires a significant amount of evidence, covering relevant Local Plan topics, to justify the suite of policies included within the document. This evidence will be produced in-house and by procuring external consultancy support (pending budget approval).
Issues and options consultation (Regulation 18)	This consultation will cover each of the topic areas to be included in the Local Plan and will seek views on potential policy options that we will pursue in the Local Plan Review. There is no statutory minimum consultation period for Regulation 18 consultations, but we would expect any consultation would be at least six weeks. Consultation would be undertaken in line with regulations and the Council's Statement of Community Involvement (SCI) ⁸ .
Full draft Local Plan (Regulation 18)	This consultation would be on a detailed draft of the Local Plan, with draft policies. This second Regulation 18 stage consultation is technically not necessary but is considered important as it enables us to get feedback on detailed policies and make changes ahead of the final draft plan that is submitted for examination (Regulation 19, noted below). As noted above, there is no statutory minimum consultation period for Regulation 18 consultations, but we would expect any consultation would be at least six

https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

⁶ Latest Bromley Housing Trajectory (published in November 2021) is available from:

<https://www.bromley.gov.uk/downloads/file/669/bromley-housing-trajectory>

⁷ For example, 'Making Bromley Even Better 2021-2031: Our Corporate Strategy', available from:

<https://www.bromley.gov.uk/downloads/file/572/making-bromley-even-better-corporate-strategy->

⁸ Bromley Statement of Community Involvement (July 2016) available from: <https://www.bromley.gov.uk/planning-policy/statement-community-involvement>

	weeks. Consultation would be undertaken in line with regulations and the Council's SCI.
Submission draft Local Plan (Regulation 19); and submission to SoS	This is the final draft Local Plan that is intended to be submitted for Examination. The draft must be consulted on for a minimum of six weeks prior to submission (required by regulations and reflected in the Council's SCI). The regulations set out requirements for the scope of the consultation, with the SCI setting out further consultation methods/techniques that may be used. Approval of any draft document would be a matter for Development Control Committee.
Examination	Independent examination by a planning inspector (or inspectors), including a series of examination hearings covering various aspects of the draft Local Plan. This process will assess whether the draft plan complies with various legal requirements and whether it meets the various 'tests of soundness' set out national planning policy. As part of the examination process, the inspector can require modifications to the plan.
Inspector's Report and Adoption	If the plan is found 'sound' and legally compliant (set out in an inspector's report produced following examination hearings), it can then be adopted; this would be subject to any modifications required by the inspector in their report. Adoption of the Local Plan is a matter for Full Council.

3.9 Appendix 1 sets out an approximate timeline for the Local Plan review process. It is anticipated that the new Local Plan could be adopted by the end of 2024, although the potential for delays at various stages is noted (see 'Risks' section below). Ahead of adoption, an emerging plan can have weight in the determination of planning applications; the level of weight depends on the stage the plan is at, the level of unresolved objections and the plan's consistency with the NPPF. Therefore, at Regulation 19 submission stage (estimated early 2024), the draft plan may have at least moderate weight.

Risks

3.10 The production of a Local Plan is a long and complex process, with the potential for delays at various stages due to internal and external factors, such as:

- Evidence base – to prepare the Local Plan, there is a significant amount of evidence that needs to be produced. Delays may occur for a variety of reasons, for example, due to data availability or the need to consider specific issues that might arise through compiling the work.
- Approval of draft documents – draft Local Plan documents will require formal sign-off at various stages. The process for formal sign-off may lengthen the process, for example if committee dates don't align with the finalising of draft documents
- Consultation – the desired scope of consultation may add time to the process, for example if members wanted to allow time for consultation far beyond any statutory minimum requirements and the timings set out in the Bromley SCI. The scale of consultation responses should also be noted as a possible cause for delays; while a

significant response rate would be welcomed, it would mean that assessment of these responses, and the consideration of how the Council responds to them, would take more time.

- Planning Inspectorate (PINS) – following submission of the Regulation 19 draft Local Plan, the Examination process is controlled by PINS. Delays can often occur at various stages in the Examination process, for example, setting up initial hearings, or delays producing the final inspector’s report. There are instances of examinations stretching over several years, although this would only occur where there are issues with the draft plan or evidence, and remedial work is necessary. Having a robust evidence base to support the proposed plan is the best way to avoid delays, but ultimately the process is in the hands of PINS.
- National policy changes – the Levelling Up and Regeneration Bill proposes some significant changes to the plan-making process, and will result in consequential amendments to the NPPF and PPG as a result. Some LPAs have delayed work on Local Plans due to the uncertainty around the potential provisions in the new Bill; this is not considered to be a sensible approach, as it increases the risk of having an out-of-date plan for a longer period of time which puts Bromley at more significant risk of speculative applications. It may well be that we need to have regard to some national legislative and policy changes, which could cause delays to the Local Plan process and potentially necessitate the production of further evidence. However, it is likely that there would be some transitional arrangements in place for LPAs who have reached certain stages in the Local Plan process around the point when the Bill is enacted. In the scenario where we do need to have greater regard to any new legislation/policy, the evidence base work would likely remain relevant and robust enough to inform policy production in any new system.
- New London Plan – the GLA have not set out any formal timelines for the review of the London Plan, although some initial informal consultation has taken place to scope out broad issues and challenges to help inform a future London Plan⁹. If a draft new London Plan (and the evidence base to underpin it) emerges as we are preparing our new Local Plan, it may be used as part of the GLAs assessment of how the new Bromley Local Plan conforms with the London Plan. This may necessitate additional work depending on the scale of the issues raised.

Next Steps

- 3.11 Pending approval of the proposed Local Plan budget (see ‘Financial Implications’), officers will commence with evidence base work to inform the drafting of the new Local Plan policies. The intention is to launch an ‘Issues and Options’ consultation within the next 6 months, to gauge opinions on various aspects of the Local Plan. Responses to this consultation will be used to help inform the drafting of the detailed draft Local Plan.
- 3.12 Officers will also commence the preparation of the Integrated Impact Assessment (IIA), which combines various assessments including the Sustainability Appraisal (which is a statutory requirement). As a first step, the Council must engage with specific statutory consultees on the scope of the appraisal. An initial scoping document would be consulted on alongside any ‘Issues and Options’ consultation.

4. POLICY IMPLICATIONS

- 4.1 The report sets out the implications of not having an up-to-date Local Plan, and the processes involved in order to adopt a new Local Plan.

⁹ Planning London’s Future, available from: <https://www.london.gov.uk/talk-london/planning-londons-future>

5. FINANCIAL IMPLICATIONS

5.1 In order to prepare a robust evidence base to underpin the new Local Plan, additional budget is necessary alongside existing staffing resource in the Planning Policy and Strategy service. A budget of up to £600,000 is sought from the growth fund, based on the following estimated costs:

- Evidence base - £500,000 – this includes costs of essential evidence including a new Employment Land Review and a Local Plan Viability Study; and contingency to allow for preparation of additional evidence base work that may become necessary as we proceed through the Local Plan process. It also includes costs of additional work to support evidence base work that is being prepared in-house, for example, purchasing any necessary third-party data, ‘critical friend’ work, legal opinions.
- Examination and consultation costs - £100,000 – It is also important to factor in the costs of examination as well, as this can be considerable (depending on the length of the examination process and number of hearing days). The amount sought is based on experience of previous examination costs and factors in potential for specialist support at examination where necessary, for example, it is common to have Counsel support for discussion of technical legal issues.

5.2 The estimated costs were established based on past experience of preparing a Local Plan and costs of necessary evidence; and through some benchmarking against other boroughs estimated Local Plan costings. The amount sought is up to £600,000 and officers will aim to deliver the new Local Plan under budget, only drawing down from this funding where necessary.

6. LEGAL IMPLICATIONS

6.1 The Planning and Compulsory Purchase Act (2004) (as amended); and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the statutory requirements for preparation of a Local Plan. Additional legislation applies with regard to preparation of the different assessments that form part of the IIA. The Local Plan and supporting documents will be prepared in line with relevant legislation.

Non-Applicable Sections:	IMPACT ON VULNERABLE ADULTS AND CHILDREN
	PERSONNEL IMPLICATIONS
	PROCUREMENT IMPLICATIONS
	PROPERTY IMPLICATIONS
	CUSTOMER IMPACT

<p>Background Documents: (Access via Contact Officer)</p>	<p>Bromley Local Plan 2019, available from: https://www.bromley.gov.uk/downloads/file/51/bromley-local-plan</p> <p>London Plan (adopted 2 March 2021), available from: https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf</p> <p>National Planning Policy Framework (July 2021), available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>National Planning Practice Guidance – https://www.gov.uk/guidance/plan-making</p> <p>Planning and Compulsory Purchase Act 2004 - https://www.legislation.gov.uk/ukpga/2004/5/contents</p> <p>The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) - https://www.legislation.gov.uk/uksi/2012/767/contents</p> <p>Bromley Statement of Community Involvement (July 2016) - https://www.bromley.gov.uk/planning-policy/statement-community-involvement</p>
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