

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**
RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Date: **DCC: 6 June 2024**
RRH PDS: 19 June 2024

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **UPDATE ON THE BROMLEY LOCAL PLAN REVIEW**

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 provides details on the progress of the Local Plan review and the intention to undertake the review under the new plan-making system.
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2. **RECOMMENDATION**

- 2.1 **That the Development Control Committee and Renewal, Recreation and Housing PDS Committee note the report.**

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: N/A
 2. Ongoing costs: future costs associated with the Local Plan review will be met from the Planning Policy and Strategy budget and funds from the Council's Growth Fund earmarked reserve.
 3. Budget head/performance centre: Planning Policy and Strategy
 4. Total current budget for this head: £0.6m
 5. Source of funding: Existing Revenue Budget for 2024/25
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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; Levelling Up and Regeneration Act 2023.
2. Call-in: Not Applicable
3. It is necessary to have due regard to the public sector equality duty, which sets out the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity;

and to foster good relations between people who share a protected characteristic and people who do not share it. It is not anticipated that the issues discussed in this report would adversely affect any of those objectives.

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: N/A
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Impact on the Local Economy

1. Summary of Local Economy Implications: N/A
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Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: N/A
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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? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Background

- 3.1 To inform a review of 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, to give an understanding of what land is available to meet different development needs.
- 3.2 On 6 October 2022, Executive agreed to commence a review of the Bromley Local Plan and agreed additional one-off funding of £600k for the Local Plan review process, to be met from the Council's Growth Fund earmarked reserve.
- 3.3 An 'Issues and Options' (Regulation 18) consultation was conducted between April and June 2023. This consultation sought to gather views from a range of stakeholders to inform the development of the new Local Plan. The Issues and Options document¹ sets out the current policy approach across a range of topics; notes relevant changes since the adoption of the Local Plan; and sets out how the new Local Plan could respond to these changes.

Planning reform and changes to national planning policy

- 3.4 The Government consulted on changes to the National Planning Policy Framework (NPPF) from December 2022 to March 2023². This consultation also set out the Government's intentions regarding the implementation of reforms to the plan-making system set out in the Levelling Up and Regeneration Act. The consultation proposed that plan-makers would have until 30 June 2025 to submit their Local Plans for independent examination under the existing legal framework, meaning that existing legal requirements and duties would apply to any Local Plan examination. The consultation also proposed a backstop date of 31 December 2026, by which time all independent examinations of Local Plans must be concluded and any plans adopted.
- 3.5 The Government consulted on the implementation of the new plan-making system between July and October 2023³, but at the time of writing, the Government has not provided a response to the consultation; and no regulations or updated national planning policy or guidance have been introduced.
- 3.6 The NPPF was updated in December 2023, incorporating some of the changes previously consulted on.

Next steps

- 3.7 Having an up to date Local Plan remains incredibly important, as this means that there is a lower risk of speculative planning appeals succeeding, and planning policies being undermined. However, whilst work towards the new Local Plan has progressed well, deadlines were always tight. Given the changes to the NPPF, confirmation that the submission deadline of June 2025 for consideration under the current plan-making system is firm and no leeway will be given, together with some delays caused by the 'purdah' periods around elections in 2024,

¹ <https://www.bromley.gov.uk/downloads/file/2073/bromley-local-plan-review-issues-and-options>

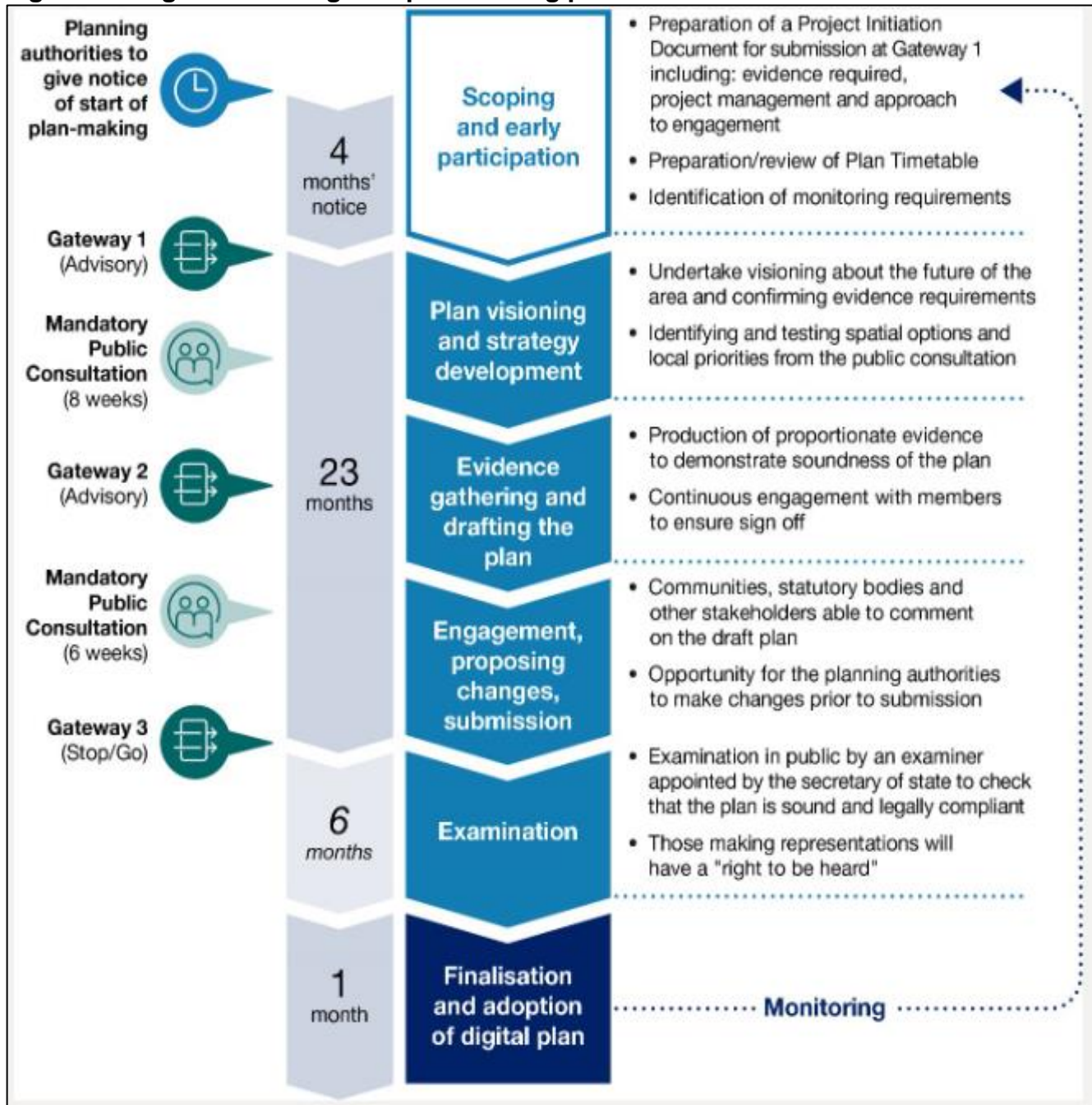
² <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

³ <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation>

revisions to the timetable for production of the new Local Plan are now considered necessary. The submission date of June 2025, for consideration under the existing plan-making system, is no longer considered safely achievable. There is a high risk that costs incurred in preparing the plan to date would be abortive, as the plan would need to be substantially reworked for submission under the new plan-making system if the June 2025 deadline were missed. To avoid such abortive costs, the recommendation is now that the new Local Plan is progressed under the new plan-making system with a revised indicative timeline as outlined below.







3.8 There is currently limited detail regarding the new system, other than the stated intention that the new system will become effective in November 2024. Figure 1 shows a diagram provided as part of the July 2023 consultation mentioned in paragraph 3.5, which sets out the stages of the new system and approximate timings of each stage:

Figure 1: diagram showing new plan-making process



3.9 Figure 2 shows a diagram provided as part of the July 2023 consultation mentioned in paragraph 3.5, which provides detail on each of the three proposed 'Gateway' stages of the new plan process:

Figure 2: diagram showing proposed Gateway assessments

	 Gateway 1 (Advisory)	 Gateway 2 (Advisory)	 Gateway 3 (Stop/Go)
 Focus	<ul style="list-style-type: none"> Ensuring the plan sets off in the right direction Supporting early diagnosis of potential issues – legal and procedural requirements and soundness 	<ul style="list-style-type: none"> Supporting early resolution of potential soundness issues, where possible Ensuring legal and procedural compliance Monitoring and tracking progress 	<ul style="list-style-type: none"> Checking the plan is ready to proceed to examination Ensuring legal and procedural compliance Monitoring and tracking progress
 Role	<ul style="list-style-type: none"> Advising, observing and supporting 	<ul style="list-style-type: none"> Advising, observing and supporting 	<ul style="list-style-type: none"> Validating that key requirements have been met (a "stop/go" check)
 Duration	<ul style="list-style-type: none"> 4 weeks (up to 6 by exception) 	<ul style="list-style-type: none"> 4 weeks (up to 6 by exception) 	<ul style="list-style-type: none"> 4 weeks (up to 6 by exception)
 Assessor	<ul style="list-style-type: none"> Independent, specialist hands-on support May involve Planning Inspectors (as required) 	<ul style="list-style-type: none"> Planning Inspectors Optionally supported by technical specialists 	<ul style="list-style-type: none"> Planning Inspectors

3.10 Based on these timings, and assuming the Council can progress under the new style system from November 2024, an approximate Local Plan review timeline would be as follows:

- Give notice of start of plan-making – Q4 2024
- Gateway 1 stage and first public consultation – Q1 2025 to Q4 2025
- Gateway 2 and second public consultation – Q4 2025 to Q3 2026
- Gateway 3 – Q3 2026 to Q4 2026
- Examination – Q4 2026 to Q2 2027
- Inspectors report and adoption – Q2 or Q3 2027

3.11 Under the existing plan-making system, the timetable for producing a Local Plan is set out in a published Local Development Scheme (LDS). The new plan-making system will replace LDSs with a Local Plan Timetable, prepared at the outset of the Local Plan process. Although the intention is to undertake the Bromley Local Plan review under the new plan-making system, officers consider that publishing an updated LDS, reflecting the timescales mentioned above, will be helpful to provide clarity on the Council's intentions in the interim period prior to the new plan-making process commencing. Officers will prepare an updated LDS and seek delegated approval to publish from the Director of Housing, Planning, Property and Regeneration.

3.12 Officers consider that the evidence base work prepared to date will continue to be relevant and

up to date if the review proceeds in line with the timescales noted above. This will reduce the scope of any additional costs associated with the new timetable.

4. TRANSFORMATION/POLICY IMPLICATIONS

- 4.1 The new Local Plan will set out the Council’s planning policy on a range of topic areas. The Levelling Up and Regeneration Act sets out the framework for preparation of new style Local Plans, with the detailed process to be set out in further regulations national policy and guidance. Officers will keep up to date with ongoing changes, in terms of the implications on the plan-making process.
- 4.2 An updated LDS will be prepared to provide an up-to-date position on the proposed timings for the Local Plan review.

5. FINANCIAL IMPLICATIONS

- 5.1 The costs associated with the Local Plan review will be funded from the Planning Policy and Strategy budget and the £600k release of Growth Fund reserve, approved by Executive at their meeting of 6 October 2022. At this stage, officers consider that undertaking the review under the new plan-making system, as opposed to the current plan-making system as originally envisaged, is unlikely to incur any additional costs further to funding already agreed.

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 current statutory requirements for preparation of a Local Plan.
- 6.2 The Levelling Up and Regeneration Act sets out the framework for preparation of new style Local Plans, with the detailed process to be set out in further regulations national policy and guidance.
- 6.3 The new Local Plan will be prepared in line with relevant legislation.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children; Personnel/Procurement/Property/ Carbon Reduction and Social Value/Impact on the Local Economy/Health and Wellbeing; Customer Impact
Background Documents: (Access via Contact Officer)	<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 (December 2023), available from: https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf</p> <p>National Planning Practice Guidance – https://www.gov.uk/guidance/plan-making</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>Levelling Up and Regeneration Act 2023 - https://www.legislation.gov.uk/ukpga/2023/55/contents</p>