

**Governance Arrangements for the Calderdale Local Plan following submission to the Secretary of State**

**Report of Director, Regeneration and Strategy**

**1. Purpose of Report**

- 1.1 The main purpose of this report is to seek approval of arrangements for the governance of the Local Plan following its submission to the Planning Inspectorate. The report also provides contextual information about the Local Plan process going forward.

**2. Need for a decision**

- 2.1 During the course of the Local Plan examination it is very likely that the Planning Inspector will ask the Council to express opinions on matters of policy, the response to which could influence his or her conclusions on the soundness of the Plan. These matters could be sensitive or have wider implications and will require a quick response. Cabinet therefore needs to reach a decision on the governance arrangements that should be put in place to manage this issue efficiently and transparently.

**3. Recommendation**

It is recommended:

- 3.1 that Cabinet agrees the option detailed in paragraph 4.8 of this report and adopts the following process when formulating responses to the Planning Inspector:
1. If issue is site or area specific the relevant Ward Councillors will be asked for comments within 7 days
  2. Leaders of opposition groups will be asked for comments within 7 days (concurrent with 1 above).
  3. Leader, Deputy Leader and Portfolio Holder for Planning, Housing & Environment will consider a written report and recommendation from the Corporate Lead for Planning, and take a decision which will then be made public.

#### 4. Background and/or details

- 4.1 The process that the Local Plan is expected to follow between now and adoption is illustrated by the diagram at Appendix 1 of the report.
- 4.2 It is likely that the inspector will write to us in advance of any hearing sessions seeking our observations/response to key issues that he or she has identified. This is particularly likely to happen if the inspector has initial queries about the duty to cooperate or fundamental strategic issues, such as the amount of housing or employment land that we have identified. It is conceivable that such contact might occur during the spring of 2019.
- 4.3 Prior to the hearing sessions the inspector will also prepare matters, issues and questions (known as MIQs). The Council and other interested parties will be expected to submit statements in response to the MIQs two weeks before the relevant hearing session.
- 4.4 It is likely that hearing sessions will commence during the late spring/summer 2019. The hearings are generally undertaken in a series of stages considering different issues. The earlier sessions are expected to address the duty to cooperate and legal compliance; followed by strategic issues such as housing numbers; and finally moving onto specific site allocations and policies.
- 4.5 The examination will be a relatively intense period of activity. Furthermore it is expected that decisions on policy positions of varying importance will need to be made within relatively tight timescales set by the inspector.
- 4.6 In circumstances where officers are reiterating or supporting the Council's established position (as per Cabinet and Council in June 2018, no further political input would be required. However, if MIQs raised wider or new issues in regard to policies or sites then a process of political sign-off would be required.
- 4.7 Bench marking was undertaken with nearby Councils to establish how they had approached this issue:
- **Barnsley** – delegation to Head of Planning in consultation with Portfolio Holder;
  - **Wakefield** - delegation to Director in consultation with Portfolio Holder;
  - **Leeds** - delegation to Chief Planning Officer in consultation with Executive Member;
  - **Kirklees** – delegation to the Director in consultation with Portfolio Holder.
- 4.8 This information provides helpful context, however it is recognised that these Councils have a political make-up that differs from Calderdale. It is suggested that the approach outlined below would be appropriate to the circumstances of Calderdale:
1. If issue is site or area specific the relevant Ward Councillors will be asked for comments within 7 days.

2. Leaders of opposition groups will be asked for comments within 7 days concurrent with 1 above.
3. Leader, Deputy Leader and Portfolio Holder for Planning, Housing & Environment will consider a written report and recommendation from the Corporate Lead for Planning, and take a decision which will then be made public.

The approach outlined above reflects not only the need to expedite decisions, but also the fact that the ultimate decision making back stop will be when the Council votes on the adoption of the Local Plan (see diagram at Appendix 1). In relation to this, policy is not actually made until such time as the Council votes on the adoption of the Plan with whatever main modifications have been made by the Inspector.

- 4.9 During the examination all correspondence between the Council and inspector will be loaded onto the website. Furthermore it is suggested that a monthly written briefing is provided to all Councillors during the examination.

## **5. Options considered**

- 5.1 The first option is to do nothing and rely on the existing procedure of more important issues being considered by the Local Plan Working Party and Cabinet. This mechanism is not fit for purpose in relation to a fast moving Local Plan inquiry process.
- 5.2 The second option is a very light touch approach along the lines of that adopted by the councils identified under paragraph 4.7. It is considered that this approach would not sit comfortably with Calderdale's balanced political situation and the high degree of political and public interest in the Local Plan.
- 5.3 The third and preferred option strikes a balance, reconciling efficient process with transparency and oversight, as detailed in paragraph 4.8 of this report.

## **6. Financial implications**

- 6.1 There are no specific financial implications arising from this report as any costs incurred in relation to the examination and adoption of the Local Plan will be funded by the reserve established in a previous financial year for this purpose.
- 6.2 However, adoption of the Local Plan and introduction of a Community Infrastructure Levy will potentially bring a number of significant financial benefits to the Council through an accelerated housing delivery programme and other commercial developments, which has the potential to increase New Homes Bonus and the Council Tax Base.
- 6.3 In accordance with previous Budget Council decisions the budget for the Regeneration & Strategy Directorate requires additional New Homes Bonus income of £200k in 2019/20 and future years. It is also anticipated that the introduction of a Community Infrastructure Levy will achieve income of £150k in 2019/20 onwards.
- 6.4 It is anticipated at this stage that the Local Plan and Community Infrastructure Levy will be adopted and introduced early in the financial year 2020/21. The savings not

achieved in the next financial year will be offset by savings identified elsewhere in the overall budget of the directorate.

## **7. Legal Implications**

- 7.1 During the examination process, the Council must be able to quickly and efficiently react to the Inspector's request for further information and opinions. These requests will require prompt responses to enable the examination to proceed efficiently and the response time will be fixed by the Inspector. Prompt decision making on matters raised by the Inspector is therefore effectively a requirement of the examination process.

## **8. Consultation**

- 8.1 No specific consultation has been undertaken.

## **9. Environment, Health and Economic Implications**

- 9.1 The Local Plan will when adopted have significant environment and health and economic implications. This report is intended to lead to decisions that will help the Local Plan to be adopted efficiently and without undue delay.

## **10. Equality and Diversity**

- 10.1 There are no issues flowing directly from this report.

## **11. Summary and Recommendations**

- 11.1 The process outlined at paragraph 4.8 of this report is the preferred approach to governance of the Local Plan during the examination. It is considered that this approach will help to ensure that the Local Plan progresses towards adoption efficiently and without undue delay.

---

### **For further information on this report, contact:**

Richard Seaman	Corporate Lead, Planning
Telephone:	01422 392241
E-mail:	<a href="mailto:Richard.seaman@calderdale.gov.uk">Richard.seaman@calderdale.gov.uk</a>

### **The documents used in the preparation of this report are:**

1. Procedural Practice In the Examination of Local Plans (2016)

### **The documents are available for inspection at:**

<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

## Appendix 1 – Local Plan Process

