

12. LOCAL PLAN REVIEW ISSUES AND OPTIONS AND SUSTAINABILITY APPRAISAL PUBLIC CONSULTATION (AM)

1. Purpose

To seek approval to undertake a consultation exercise in support of the review of the local plan.

2. Context

2.1 The local plan for the Peak District National Park (PDNP) (Core Strategy, 2011 and the Development Management Policies Document, 2019) is currently being reviewed with the intention that all planning policies will be contained in one document. The revised local plan will contain planning policies for the PDNP to 2045.

2.2 There is considerable flexibility open to local planning authorities in how they carry out the initial stages of local plan production, provided they comply with the specific requirements in Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2.3 An Issues and Options document has therefore been prepared for public consultation that sets out:

- national policy for plan-making in a national park.
- issues for planning policy that have arisen due to (i) new national legislation and policy, including the Climate Change Act 2008, the Environment Act 2021 and the National Planning Policy Framework; (ii) the Peak District National Park Authority's response to the biodiversity and climate emergencies as set out in the National Park Management Plan; (iii) challenges around thriving and sustainable communities and (iv) performance and robustness of existing policy.
- current policies that are proposed to be brought forward into the new local plan (policies where no issues have been identified).
- options and/or questions for new or changed policies (where any of the issues in bullet 2 above suggest a different policy approach should be debated, or where there is a policy 'gap'.)

2.4 Local plans are also subject to the requirements for Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulation Assessment. These have been undertaken at a level appropriate to this stage of the plan-making process.

2.5 The consultation documents have been properly considered by the Local Plan Review Steering Group over a number of months as part of their work on the local plan review and in preparation for this consultation exercise.

2.6 If approved, public consultation will take place for 8 weeks (from 7 October 2024 to 29 November 2024). Anyone wishing to make comments will be encouraged and helped to do so. Comments can be made by post, email or using the on-line consultation portal.

2.7 The Policy and Communities Team will work with the Marketing and Communications Team to devise and implement a strategy to publicise the consultation across various media. It will include face-to-face events throughout the National Park.

2.8 Consultation responses will inform the next stages of plan-making. These are to draft policy (in effect, to write the new local plan), and undertake another round (or 2) of statutory public consultation.

2.9 The precise nature and timing of the next stages of local plan are unknown. In line with Government guidance on the submission of plans under the current plan-making system, our published Local Development Framework says that following the Regulation 18 consultation we will write the plan, consult again under Regulation 19 and submit to the Secretary of State by 30 June 2025. This is extremely difficult to achieve. Government has further advised that plans at Regulation 18 stage in November 2024 (ie plans such as ours) should be submitted under the proposed new plan-making system. However, there is no secondary legislation (no Regulations) with regard to plan-making under the new system. This may become clearer under the new Government.

3. Proposals

3.1 A summary of the issues, options (where relevant) and questions that are proposed for public consultation is in Appendix 1. The Issues and Options consultation document is available as a background paper.

3.2 A Sustainability Appraisal (SA) Report on the Issues and Options (combining Stages A and B of the SA process) has been prepared by consultants (see background papers). This is also subject to consultation and will inform the next stages of plan review. A full Sustainability Appraisal Report (part C of the SA process) will be prepared for the draft plan.

3.3 The purpose of a Habitat Regulations Assessment (HRA) is to understand and mitigate against any negative impact on protected sites that may arise as a result of policies in the new local plan. The first stage is to undertake a screening process, set out conclusions in a screening report, and consult with Natural England. This has been undertaken for this stage of the local plan review (see background papers). A full 'appropriate assessment' will be undertaken for the draft plan.

4. Recommendations

- 1. That approval be granted to launch the Issues and Options public consultation exercise, pursuant to Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, for a period of 8 weeks commencing on Monday 7th October 2024 until Friday 29th November 2024 (“Regulation 18 Consultation”).**
- 2. That approval be granted to launch the Sustainability Appraisal public consultation exercise alongside the Regulation 18 Consultation.**
- 3. That authority be delegated to the Head of Planning, in consultation with the Local Plan Review Steering Group, to finalise the consultation materials and arrangements, including any technical or drafting amendments.**

5. Corporate Implications

a. Legal

Pursuant to Section 19(1B) and (1C) of the Planning and Compulsory Purchase Act 2004, the Authority has a statutory duty to identify its strategic priorities and have policies to address these in the development plan. The National Planning Policy Framework states policies in local plans and spatial development strategies, should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary.

Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires the Authority to consult with specified bodies or persons on the subject of a local plan which the local authority is proposing to prepare, and invite them to make representations.

In addition, in undertaking a plan review the Authority must prepare a report to appraise the sustainability of the proposals, pursuant to Section 19(5) of the Planning and Compulsory Purchase Act 2004 and the Environmental Assessment of Plans and Programmes Regulations 2004, and carry out an assessment to test if a plan or project proposal could significantly harm the designated features of a European site in accordance with the Conservation of Habitats and Species Regulations 2017.

Impacts on equality, diversity and inclusion will be undertaken as policy is formed, taking into consideration the evidence and responses from consultees received throughout the process. Closer to submission, an Equality Impact Assessment will be produced for the whole of the revised local plan.

b. Financial

This is a major review of planning policy that will incur expenditure in relation to the commissioning of evidence, undertaking publicity and public consultation, and in the examination hearings. There is currently £129k in the planning policy reserve to cover this.

c. National Park Management Plan and Authority Plan

Management Plan: Objective 10 under the Thriving Communities Aim has as a headline delivery target “By 2028 we will have a Local Plan that enables people with local roots to live in or return to the National Park and help families to remain together in mutual support.

Authority Plan: Review and adopt updated Local Plan

d. Risk Management

The current local plan will continue to exist as the legal development plan for the PDNP until it is replaced. The risks associated with challenge to policies is small because of our focus on national park purposes and the review process currently underway.

e. Net Zero

Addressed in the Issues and Options Report and the Sustainability Appraisal.

6. Background papers (not previously published)

Issues and Options consultation document
Sustainability Appraisal Report
Habitats Regulations Assessment Screening Report

7. Appendices

Appendix 1: Summary of the issues, options (where relevant) and questions that are proposed for public consultation.

Report Author, Job Title and Publication Date

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