



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## **Cabinet**

Tuesday, 24 September 2024

Report of Councillor Phil Dilks, Cabinet  
Member for Planning

# **South Kesteven Regulation 19 Pre-Submission Local Plan**

## **Report Author**

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## **Purpose of Report**

The purpose of the report is to explain the implications of the emerging National Planning Policy Framework on the South Kesteven Local Plan review and recommend that Cabinet endorses the continuing preparation of the Regulation 19 Pre-Submission Local Plan in accordance with the approved Local Development Scheme.

## **Recommendations**

**Cabinet is recommended to endorse the preparation of the Regulation 19 Pre-Submission Local Plan in accordance with the approved Local Development Scheme (Option 1).**

## **Decision Information**

Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Connecting communities Sustainable South Kesteven Enabling economic opportunities Housing Effective council
Which wards are impacted?	(All Wards);

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 There are no financial implications arising directly from the report

*Completed by: Paul Sutton Interim Head of Finance (Deputy 151)*

### ***Legal and Governance***

- 1.2 There are no governance concerns with this report, as the approved Local Development Scheme indicates completion of the Pre-submission Local Plan by Winter 2024/2025. If Option 1 within the report is endorsed, this deadline would be adhered to.

*Completed by: James Welbourn, Democratic Services Manager and Deputy Monitoring Officer*

### ***Risk and Mitigation***

- 1.3 A table of risks is included at Appendix A which details anticipated risks of all options set out in the report. The risk of proceeding with the preferred option (Option 1) is the likely incurrment of currently unknown costs due to the necessity to update evidence if higher housing numbers are imposed through the new NPPF. However, this is assessed against the risk of not proceeding with the preferred option which may result in the derailment of the Local Plan and the Council unable to meet the current government-imposed deadline for submission of the Local Plan to Secretary of State by January 2025.
- 1.4 The preferred option (Option 1) enables the Council to stay on track in line with the current legal framework, and the approved Local Plan timetable as published through the Local Development Scheme. Option 1 also gives the Council the opportunity to flex to either scenario a or b (or any other scenario which may arise), once the NPPF is published, which is expected by the end of the year.

*Completed by: Tracey Elliott, Governance & Risk Officer*

## 2. Background to the Report

### Current Local Plan Timetable

- 2.1 South Kesteven District Council is preparing a Local Plan in accordance with the December 2023 National Planning Policy Framework, and the published Local Development Scheme which sets out the following timeline for plan production.

Key Milestones	Regulation	Timescale
Commencement of document preparation		Completed: April 2020
Consultation on the scope of the Plan	Regulation 18	Completed: 12 October – 23 November 2020
Consultation on Draft Local Plan	Regulation 18	Completed: 29 February – 25 April 2024
Consultation on the Pre-submission Local Plan	Regulation 19	Winter 2024/2025
Submission	Regulation 22	Summer (June) 2025
Examination	Regulation 24	Summer 2025 – Spring 2026
Inspector's Report	Regulation 25	Spring 2026
Adoption	Regulation 26	Summer 2026

- 2.2 Local Plan preparation is currently on track with Pre-Submission consultation scheduled for November 2024/25. The document will plan for a housing requirement of 687 per year; this is calculated by using the existing Standard Method of calculation. The Local Plan is scheduled to be submitted for examination in June 2025, to meet the transitional deadline for examination under the existing legal framework.
- 2.3 Consultation on the Regulation 18 Draft Local Plan concluded in April 2024. Comments received are currently being processed and a Statement of Consultation, outlining community and stakeholder engagement, a summary of main findings, and how comments will be considered through the next stage of the Local Plan Review, is being prepared.

### 2024 National Planning Policy Framework Consultation

- 2.4 A revised National Planning Policy Framework was published for consultation on 30 July 2024, closing on 24 September 2024. A letter from the Deputy Prime Minister was also sent to all local authority Leaders and Chief Executives on 30

July reiterating the consultation NPPF, stating:

*“I would like to draw your attention to the proposed timelines for plan-making set out in Chapter 12 of the National Planning Policy Framework (NPPF) consultation. My objective is to drive all plans to adoption as fast as possible, with the goal of achieving universal plan coverage in this Parliament, while making sure that these plans are sufficiently ambitious.*

*This will of course mean different things to different authorities:*

- *For **plans at examination** this means allowing them to continue, although where there is a significant gap between the plan and the new local housing need figure, we will expect authorities to begin a plan immediately in the new system.*
- *For **plans at an advanced stage of preparation** (Regulation 19), it means allowing them to continue to examination unless there is a significant gap between the plan and the new local housing need figure, in which case we propose to ask authorities to rework their plans to take account of the higher figure.*
- ***Areas at an earlier stage of plan development**, should prepare plans against the revised version of the National Planning Policy Framework and progress as quickly as possible.”*

2.5 What is meant by ‘significant gap’ is set out in Annex 1 of the consultation NPPF which states that:

*“if the emerging annual housing requirement in a local plan reaches or has reached Regulation 19 (pre-submission stage, on or before [publication date + one month] and is no more than 200 dwellings below the published relevant Local Housing Need, the policies in the new NPPF will apply.”*

2.6 South Kesteven District Council’s Local Plan is a ‘**plan at an advanced stage of plan preparation**’ scheduled to reach the Pre-Submission publication stage in November, before the NPPF is due to be published. However, the Council’s current housing target of 687 dwellings is 2025 dwellings per annum **below** the published consultation NPPF’s Local Housing Need of 912 dwellings.

2.7 As such, if the consultation NPPF is published ‘as is’, South Kesteven District Council will be required to prepare a Local Plan in accordance with the new NPPF, including the higher housing requirement of 912 dwellings per annum. This is because the difference between the housing requirement in the consultation NPPF and the figure generated by the current standard method falls into the definition of a ‘significant gap’.

2.8 The accompanying consultation document to the NPPF consultation states: *“Those [local planning authorities that have reached Regulation 19 publication stage] with a more significant gap of over 200 dwellings per annum between the local planning authority’s revised LHN figure and the emerging housing requirement will need to revise its plan in line with the revised NPPF before*

*submitting the plan for examination no more than 18 months after the publication of the revised NPPF. **We recognise that these arrangements would require some local planning authorities to undertake unforeseen additional work and reopen engagement with communities. Therefore, the Government will provide direct funding support to help these authorities progress their plans to examination quickly.***

- 2.9 Under the current NPPF's transitional arrangements, local planning authorities have until 30 June 2025 to submit Local Plans under the current legal framework. South Kesteven's Local Development Scheme sets out a timetable for plan production which meets the 30 June 2025 deadline. **It is important to note that as the emerging NPPF is undergoing consultation, the 30 June 2025 deadline still stands.**
- 2.10 The Government has outlined its intention to extend the deadline for submission of local plans under these transitional arrangements however this appears to part of the wider NPPF consultation; officers have sought clarification from MHCLG.
- 2.11 The Government has committed to publishing the 'new' NPPF by the end of the year.

### **Local Plan Evidence**

- 2.12 Local Plans must be based on robust, relevant and up to date evidence. There are a number of evidence-based documents which have already been prepared and finalised, and some evidence documents which are emerging.
- 2.13 It is usual for the evidence to be finalised once the Regulation 19 Plan is completed due to the evolution of the plan. For example, some of the evidence is used to inform the final site allocations and can only be finalised after the Regulation 18 consultation has concluded and responses analysed.
- 2.14 Evidence preparation is dependent on the growth objectives of the Local Plan. If housing and employment need, and consequently the number of land allocation sites change, evidence dependent on these parameters will require updating. The proposed changes to the District's Housing requirement means that, if the Council is required to find additional housing sites, more evidence is required to support the site allocation process. Furthermore, the consultation NPPF includes significant changes to affordable housing policy, which in turn would trigger the requirement for existing housing evidence to be reviewed and likely updated.

### **3. Key Considerations**

#### **South Kesteven Local Plan – Options**

- 3.1 The consultation on the emerging NPPF has presented a number of issues regarding timetabling of the Local Plan, and how we proceed especially in relation to housing need.
- 3.2 There is no certainty around how the Government will respond to the consultation on the NPPF and if the proposed housing numbers and/or transitional arrangements will be varied. There is however a very clear indication from Government regarding its ambition housing growth plans. It can be reasonably assumed that in order to meet these housing targets there will be changes to National Planning Policy.
- 3.3 Due to the current uncertainty, it is proposed that the Council proceeds with the Regulation 19 Pre-Submission Local Plan (Option 1), which gives the Council the opportunity to flex (see Scenarios a and b) below, dependent on the outcome of the National Planning Policy Framework, once published.
- 3.4 There are risks associated with all options highlighted above. In order to inform a decision, these risks have been analysed.
- 3.5 A risk assessment is included at Appendix 1.

#### **Option 1: Proceed with Reg 19 Pre-Submission, pushing consultation to January 2025**

- 3.6 The current Local Development Scheme timetables the Local Plan as follows:
  - Pre-Submission Publication: Winter 2024/25
  - Submission to the Secretary of State: Summer 2025
- 3.7 To accord with the timetable, the Local Plan is scheduled to be presented to Cabinet in November and published for consultation at the end of November for eight weeks until mid-January 2025.
- 3.8 The Local Plan is scheduled to be submitted to the Secretary of State no later than 30 June 2025.
- 3.9 Bearing in mind the above, Option 1 is as follows:
  - Continue with Regulation 19 Local Plan preparation
  - Push the Regulation Pre-Submission consultation to commence in January 2025, with Cabinet in December 2024. This would accord with the published Local Development Scheme which schedules consultation of the Pre-Submission to commence in Winter 2024.

- With the possibility of increased housing numbers in mind, undertake light touch, additional work including assessment of additional sites.
- 3.10 Since publication of the Consultation NPPF, the Council has paused preparation of evidence until a decision as to how to proceed has been made. Pushing consultation on the Regulation 19 Pre-Submission to January, will enable the currently paused evidence to be completed. It will also ensure that the Regulation 19 Pre-Submission Local Plan (as written in accordance with the December 2023 NPPF) is not published for consultation, before the outcome of the NPPF is known, reducing the potential for public, member, developer and stakeholder confusion.

**Option 1, Scenario a:**

- 3.11 If the consultation NPPF is finalised and published 'as is', at the end of the year as expected, consultation on the Reg 19 Pre-Submission Local Plan scheduled for January will need to be halted. The Council will need to revise the Local Plan accordingly to take into account the new NPPF, with Submission to the Secretary of State by December 2026.
- 3.12 Approximately eight evidence base documents will require review, with currently unknown cost implications.

**Option 1, Scenario b (Status Quo):**

- 3.13 If, once published, the NPPF largely remains as current (December 2023 version) with the 30 June 2025 deadline still intact and housing numbers largely unchanged, the Council proceeds with the January 2025 consultation on the Pre-Submission Local Plan as scheduled, with Submission by 30 June 2025 (or new extended deadline if introduced through the NPPF).
- 3.14 Local Plan evidence preparation can continue as currently planned and will unlikely require review.

## **4. Other Options Considered**

- 4.1 Other Options considered, and discounted, include:

**Option 2: Pause Local Plan preparation**

- 4.2 Option 2 assumes that the consultation NPPF will be finalised 'as is' requiring the Council to revise the Local Plan to take into account the new NPPF, as such the following steps would be undertaken:
- Pause preparation of the Regulation 19 Local Plan
  - Commence work on revising the Local Plan to take into account the revised NPPF, with the view of publishing a Regulation 18 Draft Local Plan, including additional sites to meet the increased housing need, as soon as possible after the NPPF is published, to meet the December 2026 Submission deadline.

- 4.3 Since the publication of the consultation version of the NPPF, work on evidence has temporarily paused until a decision is made as to how to proceed. As Option 2 pauses plan preparation, evidence work would also continue to be paused until the NPPF is published. However, to take into account a revised NPPF with increased housing numbers and new national policy, it is anticipated that approximately five evidence-based documents will require review with unknown cost implications.
- 4.4 Officers have carried out a high-level assessment of the potential housing sites that have been submitted through the 'call for sites' process and believe that, in the event of a higher housing requirement as proposed in the consultation NPPF, the Council will not need to reopen the call for sites.
- 4.5 If, when the 'new' NPPF is published, it transpires that the Council could have proceeded using the current housing requirements and the deadline for submission to the Secretary of State is not extended beyond the June 2025 deadline, this option would mean that the Council would not be able to submit its Local Plan for examination. The risks associated with this option are set out in the risk assessment.

## 5. Reasons for the Recommendations

- 5.1 Considering the information above, and the risk assessment, it is recommended that the council proceeds with Reg 19 Pre-Submission, pushing consultation to January 2025. It is important to note, that amending the consultation date to January remains in accordance with the Council's published Local Development Scheme which scheduled consultation of the Pre-Submission Local Plan to commence in Winter 2024.
- 5.2 Whilst this option is at risk, it is deemed that the Council will be in the best position to flex to either Scenario a or b depending on the outcome of the NPPF, once published.
- 5.3 Whilst Scenario a will inevitably require review of a raft of evidence documents, the government has indicated that:  
***"We recognise that these arrangements would require some local planning authorities to undertake unforeseen additional work and reopen engagement with communities. Therefore, the Government will provide direct funding support to help these authorities progress their plans to examination quickly."***
- 5.4 There could be some abortive costs associated with this option if the 'new' NPPF is published 'as is'. However, if the housing requirements do not change in the 'new NPPF' and the deadline for submitting the plan for examination has greater potential consequences financially and reputationally.



## **6. Background Papers**

- [National Planning Policy Framework – August/September Consultation Version \(tracked changed\)](#)
- [National Planning Policy Framework – accompanying consultation material](#)
- [Letter from the Deputy Prime Minister to local authorities Leaders in England: Playing your part in building the homes we need \(publishing.service.gov.uk\)](#)

## **7. Appendices**

### **7.1 Appendix 1: Risk Assessment**