

Report to Cabinet

Report Title	Local Plan timetable delay, analysis and implications
Date of Meeting	Wednesday 12 February 2025
Report Author	Ashley Baldwin, Chief Planning Officer
Corporate Director	Executive Director Place
Lead Cabinet Member(s)	Cabinet Member for Good Growth
Why is this a key decision?	1. Expenditure over £500K Yes 2. Significant impact on 2 or more wards Yes
Wards Affected	(All Wards);
Identify exempt information and exemption category	Choose an item. N/A

Is report Urgent?	Yes
Reasons for urgency (<u>only</u> where applicable)	The reason for the urgency of this report is that a motion was agreed at the Extraordinary Council meeting on Thursday 28 November 2024, requesting the content of this report. As the motion has already been formally passed, it is necessary to present the report at the earliest opportunity to ensure timely compliance with the council's decision.
Appendices (if any)	Appendix A – Progress against 50 recommendations

1. Executive Summary

- 1.1 This report responds to two motions arising from the Extraordinary Council meeting held on Thursday 28 November 2024. These motions relate to the Council Local Plan. In responding to the motions, this report outlines progress regarding the recommendations made by an in-depth review of

Thurrock's Local Plan conducted by Stantec between March and June 2024 and issued in July 2024.

- 1.2 Motion 1 states '**Seek to debate the Cabinet decision made on Wednesday 9 October 2024 to extend the timetable for adopting the new Local Plan, placing further financial pressure on the Council.**
- 1.3 Motion 2 states '**Request the Place O&S Committee consider the decision to extend the Local Plan adoption timetable and seek assurances from the Cabinet Member for Good Growth and the Executive Director of Place as to the potential implications of the extended timetable.'**
- 1.4 The report also identifies the potential implications of the extended timetable and Cabinet are asked to note these implications.

2. Recommendations

For the reasons set out in this report, the Cabinet is recommended to:

- 2.1 **Note the progress made regarding the preparation of the Thurrock Local Plan based on the 50 recommendations outlined in the Stantec Local Plan review report (Appendix A).**
- 2.2 **Note the implications of the extended timetable.**
- 2.3 **To agree the contents of this report as a response to the motion set out at paragraph 1.2 and 1.3 of this report.**

3. Commissioner's Comments

- 3.1 *As set out in the report, the planning services recovery and improvement has enabled it to robustly evaluate the risks of failure to meet the stringent local plan requirements. A revised timetable takes account of the outstanding requirements to satisfy the local plan preparation without which the local plan is likely to fail. In the context of the long-term failure to agree a local plan this further work is imperative to provide the best opportunity to resolve the local plan going forward.*

4. Proposals – the rationale and evidence for the recommendations

- 4.1 A report was agreed by Cabinet on Wednesday 9 October 2024 which extended the Local Plan timetable. This report highlights the need to extend the Local Plan timetable in detail. Cabinet have examined these details in full and no call in was received following Cabinet approval of the extended timetable. This report does not repeat the detail contained within the 9 October 2024 Cabinet report.
- 4.2 This report focuses on wider background behind the Local Plan extended timetable, namely the Stantec report. The Council sought support from Stantec to review the preparation of the Thurrock Local Plan and help guide the Council to the delivery of a sound Local Plan, from completion of Regulation 18 to the adoption of a sound Local Plan. The commission provided an objective analysis of the Council's Local Plan preparatory work to post the Regulation 18 consultation. The Stantec report identified a number of shortfalls (50 recommendations) with the Local Plan that need to be addressed in order to achieve a sound Local Plan.
- 4.3 As a result of the recommendations made in the Stantec review of Thurrock Council's Local Plan, work has been progressed to act upon the 50 key recommendations made in the Stantec review (as set out in Appendix A).
- 4.3 To manage the recommendations' remedial activity, the 50 recommendations were grouped into Tasks A-H with assigned recommendation numbers (R) as below.

Task	Recommendations
Task A: Review/Comparison of Past and Current Local Plan Proposals	R1
Task B: Review of Existing Local Plan Evidence Base	R2, R3, R4, R5, R6
Task C: Review of the Planning Advisory Service (PAS) Report, Latest National Planning Policy Framework (NPPF) and Adopted Local Plans Three Best Practice Examples	R7, R8, R9, R10, R11, R12
Tasks D and E: Review of Council's Local Plan and Other Teams Resources, Skills and Management	R13, R14, R15, R16

Task	Recommendations
<i>Members</i>	R17, R18, R19, R20, R21, R22
<i>Team Organisational Structure</i>	R23, R24, R25, R26, R27
<i>Team Roles and Responsibilities:</i>	R28, R29, R30, R31, R32
Task F: Summary of Thurrock's Communities Views Over Time	R33, R34, R35
Task G: Review of Integrated Impact Assessment (IIA) / Sustainability Appraisal (SA) for the Local Plan	R36, R37
Task H: Current Status and Effects of Major Projects on the Local Plan	R38, R39, R40
<i>Key Considerations for Local Plan Programme</i>	R41, R42, R43, R44
<i>Local Plan Programme</i>	R45, R46, R47
<i>Risks to Local Plan Programme</i>	R48
<i>Local Plan Funding</i>	R49
Conclusion	R50

4.4 Additional Management resource has been allocated to the Local Plan Team to progress the preparation of the Local Plan, including the appointment of an interim Local Plan Project Manager. It is imperative that recruitment to the roles created through the service restructure are completed to ensure the team have the capacity to progress the Local Plan. Any further resource requirements will be continuously evaluated as the work programme progresses.

4.5 With respect to governance, Cabinet receive quarterly updates on the Planning Improvement programme. This programme arose following the Planning Advisory Service review in December 2023. Cabinet members will recall that the programme is governed by the Planning Improvement Board. With respect to the Local Plan, progress is monitored at the macro level by the Planning Improvement Board. At a micro level it is supervised by the Local Plan Board which closely manages and audits progress on the Local Plan work programme. The Member-led Local Plan Steering Group has a meeting scheduled for February 2025. The steering group will review the development of the Local Plan in depth, and assess a broad range of evidence base. The Steering Group needs to agree a terms of reference and chair, but the

expectation is that the group will assist in progressing the Local Plan forward and can provide recommendations for Cabinet to consider. Members were appointed to the Steering Group at the Annual Council Meeting on Wednesday 22 May 2024. The group will be administered by the planning service, meaning resource will need to be deployed for the administrative arrangements of managing the Steering Group.

4.6 The Planning Improvement Board, chaired by the Executive Director of Place (with the Chief Planning Officer delegated as Deputy Chair), meets fortnightly and closely governs the Improvement Programme. The Local Plan Board also meets fortnightly and is chaired by the Chief Planning Officer.

4.7 Collectively, the Planning Improvement Board and Local Plan Board:

- Have regular oversight of the progress of the Local Plan.
- Act as a medium for updates and escalations to SLT (and/or the Governance Recovery Board as required)
- Identify and include additional improvements captured outside the PAS and Stantec review.
- Examine and manage progress of the Local Plan.

4.8 Other key board members include:

- Head of Performance and Intelligence (Place)
- Programme Manager
- Head of Service (vacant), Principal Planner and Local Plan Lead.

4.9 The Stantec Local Plan Review was considered by the Planning Improvement Board during its development. It comprised nine tasks that were completed over three months (mid-March 2024 to mid-June 2024), with the final report issued in July 2024. The review was based on extensive documentary review of Thurrock's Local Plan, including appraising and summarising all past and published versions of the early stages of the Local Plan – Issues and Options Stage 1 (2016), Issues and Options Stage 2 (2018) and the Regulation 18 Initial Proposals Document (IPD) (December 2023) and the associated evidence base documents. This was complemented by a programme of extensive officer interviews and workshops.

4.10 The two central findings of the review were for the authority to: firstly, revise the Local Plan programme and thereby the Local Development Scheme (LDS) by the implementation of a 'Consolidation Period' of approximately 12 months to ensure the robustness of the underpinning evidence, and; secondly, facilitate sufficient resources including financial, leadership and staffing being in place for the Local Plan until its adoption.

4.11 The broader analysis, results and recommendations sought to provide senior management and the Local Plan team with sufficient information, support and encouragement to proceed to the Regulation 19 stage with the following 12 key aspects:

1. Provide more confidence and certainty for the wider Local Plan team;
2. A better understanding of the trajectory, consistency and progress of the Local Plan over the past 8 years;
3. More knowledge of and improved integration with other Council strategies and departments;
4. A robust, up-to-date and relevant evidence base;
5. Greater project management of all aspects of the Local Plan;
6. Improved knowledge and monitoring of national planning policy and of policy changes;
7. The availability and use of best practice examples of recently and successfully adopted Local Plans;
8. Better and more organised resources to work on the Local Plan;
9. A better understanding of communities and stakeholder views that that can be properly utilised in the next stage of the Local Plan, including developing the Local Plan Vision and Strategic Objectives;
10. An improved and robust Integrated Impact Assessment (IIA) process going forward into Regulation 19;
11. A knowledge and understanding of key major projects and their potential effects that can be utilised in the Regulation 19 formulation, including Local Plan policies;

12. Finally, the knowledge that the results will be robust for subsequent Local Plan stages and that the Local Plan programme is realistic and backed by sufficient resources, if these recommendations are subsequently agreed and followed.

4.12 With respect to the financial element of the motion this is explained within the 9 October 2024 Cabinet report pertaining to the Local Plan timetable. The factual position is that the Local Plan in its current form will not be found sound and pursuing an unsound plan will result in an unsuccessful examination of the Local Plan. The implications from a financial expenditure will be that there is a great financial pressure on the Council by having to either restart the Local Plan altogether or trying to remedy shortfalls at Examination stage, resulting in a long Examination in Public.

4.13 The risk implications of this report and the 9 October 2024 Cabinet report provide detail over the related risk of extending/ not extending the Local Plan. In summary, it is impossible to guarantee that the Council will achieve an adopted Plan by a specified date. However, the Council do now have a detailed programme of work, with governance in place to better manage the Local Plan development. By following this programme, the Plan will be produced more efficiently than it has been in the past.

5. Alternative options considered

5.1 This report responds to two motions agreed at Extraordinary Council on Thursday 28 November 2024. There are no alternative options considered.

6. Consultation

6.1 No formal consultation is required but portfolio holder and Shadow portfolio holder engagement will be sought during the Local Plan preparation process, including preparation and future adoption.

7. Financial Implications

- 7.1 The Local Plan work is funded by a dedicated reserve, with an opening balance of £4.78million in financial year 2024/25. Additional funding of £1.28million is required in order to allow for the 15-month delay and to finalise the Local Plan work. This is expected to be required in financial year 2028/29.
- 7.2 Currently there is no provision within the existing MTFS for this funding shortfall. Any decision to allow for this shortfall will need to be included in the MTFS as part of the annual budget setting process, which is agreed by Full Council. It would need to be funded through the release of centrally funded contingencies or by repurposing other existing general reserves. Either of these approaches carries associated financial risk as the overall level of contingency or reserves is reduced.
- 7.3 Quarterly in-year reporting on the spend (actual and forecast) against the agreed reserve is included as part of regular budget monitoring reports. The final additional requirement for 2028/29 will be based on the finalised expenditure against the reserve at the time of budget setting.

Implications verified by: Nisshanth Narendran

Head of Finance (Corporate & Place)

19 December 2024

8. Risk Implications

- 8.1 The key risks attaching to this report are highlighted in the 9 October 2024 Cabinet report included alongside this report, and remain relevant.
- 8.2 Any programme risks will be identified and actively monitored and tracked at the Planning Improvement Board and reflected in the monthly PSTIP Highlight report. These risks will also be highlighted to the risk management team and included on the risk register.

Implications verified by: Kelly McMillan

Chief Risk Advisor

23 December 2024

9. Legal and Governance Implications

- 9.1 This report is written to respond to the motion of the Extraordinary Full Council meeting on Thursday 28 November 2024.
- 9.2 Pursuant to section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) the Council must prepare and maintain a Local Development Scheme. The LDS sets out the timetable for preparation and revision of the development plan documents (also known as the Local Plan). It is a statutory requirement that the Council make available to the public, the up to date text of the scheme, a copy of any amendments to the scheme, and up to date information showing compliance against the timetable for preparation and revision of the development plan documents. Further, the Council must revise their LDS at such time as they consider appropriate and when directed to do so by the Secretary of State. The Council last revised the LDS in 2023, however, due to a variety of material issues and the delay in the decision on the LTC as set out in this report, the timetable as set out in the LDS has slipped. Having commissioned an external review by Stantec, a new timetable is proposed for development of the Local Plan. As such, it is appropriate for the Council to seek to revise the LDS to incorporate this new timetable, and comply with the statutory duties to do so and to provide the public information with regard to compliance with timescales. Further, if the Council does not revise the timetable in the LDS, and remains non-compliant with the timetable, then there is a risk of the Secretary of State intervening in the process as allowed by legislation.

Implications verified by: Helen Nicol

Assistant Director, Legal and Governance

23 December 2024

10. Equality and Diversity Implications (including the public sector equality duty)

- 10.1 There are no direct Equality and Diversity implications arising from this update report.

- 10.2 Where applicable, Community Equality Impact Assessments will be produced for all options to inform any decisions taken in line with the PAS recommendations.

Implications verified by: Roxanne Scanlon

Community Engagement and Project Officer

20 December 2024

11. Other Relevant Implications

- 11.1 The implementation of the Planning Service restructure has had HR implications. These have been fully assessed in line with relevant HR policies to inform any decisions taken.
- 11.2 There are no ICT/digital implications arising from this update report.
- 11.3 There are no procurement implications arising from this update report.

12. Background Documents

- Stantec Local Plan Review July 2024

Relevance Check

Budget Reduction/Service Area:

Service Lead

Date:

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No

Risk Implications contained in the 9 October 2024 Cabinet report relating to Local Plan timetable:

There are risks associated with revising the LDS as well as risks associated with the proposed timetable.

The main risks are:

- In the absence of the Council not updating its Local Development Scheme, there is a lack of transparency being provided by the Council with respect to its Local Plan timetable and budgetary position. This exposes the Council to a high level of reputational risk. Therefore, to mitigate against this, we have proposed to extend the timetable as per this report.
- Potential changes to Government planning policy that may affect certain Evidence Studies and Local Plan progress. To mitigate against this, we will continue to monitor.
- That any consolidation period leads to the housing land supply worsening. It has been confirmed that the Council only has 0.91 years housing land supply. This is thought to be the lowest housing land supply figure in the country and represents a significant reputational risk with the potential for the Council to be put into special measures due to the failure to progress the local plan. Therefore, to mitigate against this, we have proposed to extend the timetable as per this report.
- Lack of sufficient funding to support appropriate updating and commissioning of technical evidence studies, any additional interim staff resources required including project management and costs associated with the examination in public. Therefore, to mitigate against this, we have proposed to increase the reserve as per the recommendations in this report.
- Failure to adequately discharge 'Duty to Cooperate' (legal requirement) with neighbouring local authorities and key stakeholders due to insufficient time to engage or account for responses. Therefore, to mitigate against this, we have proposed to extend the timetable as per this report.
- Failure at Examination due to incomplete Evidence Studies. Therefore, to mitigate against this, we have proposed to extend the timetable as per this report.
- The need to prepare and adequately test growth scenarios, spatial options and settlement proposals leading to challenge at Examination. Therefore, to mitigate against this, we have proposed to extend the timetable as per this report.
- The need to undertake appropriate publicity, amend the Council website, messaging and preparation for the Regulation 19 consultation. Therefore, to mitigate against this, we have proposed to extend the timetable as per this report, and ensuring management of external communications is overseen by our communications team.
- The need for the Council to properly consider the development of the Local Plan internally, coupled with holding the necessary Member workshops and

Local Plan Working Group meetings. To mitigate against this, we are in the process of setting up appropriate workshops and working groups.

- The need to provide training for Members on any new guidance, policy and legislation that may affect Local Plan production. To mitigate against this we are reviewing training requirements as necessary.
- Lack of adequately trained additional staff and provision of sufficient resources in a timely fashion. Therefore, to mitigate against this, we have proposed to increase the reserve as per the recommendations in this report.

Risks to timetable:

- Proposed reforms to the national planning system create potential risks which may lead to uncertainty and delay for the Local Development Scheme. For example, on 30 July 2024 the new government launched an eight-week consultation on reforms to the National Planning Policy Framework (NPPF) – this sets out the policies which Councils are expected to follow both for the purposes of Local Plan preparation and planning decisions. Our Local Plan preparation process must consider revisions to national planning policy. Indeed, in a letter accompanying the consultation, the Deputy Prime Minister explained that Local Plans at an earlier stage of development yet to reach publication or submission stage will be expected to prepare plans compliant with the revised version of the NPPF (once published post-consultation) and be advanced speedily. This reflects the position for the Thurrock Local Plan.
- The above changes also impact the status and scope of our Local Plan preparation stages and evidence base studies. Consequently, it may be necessary to undertake additional public consultation that is not currently proposed. Therefore, whether complete or under progress, specific evidence base studies and proposed development options may need to be revised to ensure they reflect the up-to-date national policy position when it is finalised. In order to mitigate officers are in continuous discussions with relevant consultants to try ensuring evidence base studies align with emerging NPPF requirements. In addition, officers will closely monitor emerging national planning policy revisions and any further reforms proposed to the local plan process across content and structure. In line with the recommendations of this report the Chief Planning Officer will report to Cabinet on the Local Plan which inter alia will appraise Members of risks and mitigations via a pre-agreed frequency.