

LOCAL PLAN COMMITTEE – 18 OCTOBER 2023

Title of Report	LOCAL DEVELOPMENT SCHEME	
Presented by	Ian Nelson Planning Policy and Land Charges Team Manager	
Background Papers	Planning and Compulsory Purchase Act 2004 Planning and Compulsory Purchase Act 2004 Localism Act 2011 Localism Act 2011 National Planning Policy Framework	Public Report: Yes
		Key Decision: No
Financial Implications	There are no direct financial implications arising from the report. The cost of the Local Plan Review is met from existing budgets.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Preparing a Local development Scheme is required by legislation as set out in the report.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None identified.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	This report sets out an updated Local Development Scheme for the new Local Plan.	
Recommendations	THAT THE LOCAL PLAN COMMITTEE: (I) AGREES THE LOCAL DEVELOPMENT SCHEME SET OUT AT APPENDIX A; (II) NOTES THAT LOCAL PLANS BEING PREPARED UNDER THE CURRENT REGULATIONS WILL NEED TO BE SUBMITTED BY 30 JUNE 2025 AS SET OUT AT APPENDIX B; AND (III) NOTES THE POTENTIAL CONSEQUENCES OF NOT BEING ABLE TO MEET THIS DEADLINE AS SET OUT IN THE REPORT.	

1.0 BACKGROUND

- 1.1 Local planning authorities are required to prepare, maintain, and publish a Local Development Scheme (LDS) in accordance with the Planning & Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 1.2 An LDS should set out the Council's programme for the preparation of Local Development Documents (i.e. local plans) over a three-year period and should inform the public and other stakeholders about the likely dates for opportunities to get involved with the plan-making process. In addition to the local plan, the LDS sets out the timetable for the preparation of any associated documents such as supplementary planning documents.

- 1.3 The previous LDS was published in February 2022. Since then, there has been considerable uncertainty regarding the timetable for the new Local Plan and hence it is only now that it is being updated.
- 1.4 A copy of the proposed LDS is attached at Appendix A.
- 1.5 In terms of the proposed timetable, set out at page 11 of the LDS, this is dictated by the deadline set by the government for local plans being prepared under the current Regulations to be submitted for Examination by 30 June 2025. Thereafter, plans will need to be prepared under new Regulations which the government aims to have in place by Autumn 2024. Attached at Appendix B to this report is a letter from the Secretary of State for Levelling Up, Housing and Communities to all local planning authorities which confirms these points.
- 1.6 The letter also confirms that where an authority does not have an up-to-date local plan then it is likely that the presumption in favour of sustainable development will apply when determining planning applications. The issue of whether a plan is out-of-date or not is not straightforward. The issue has been considered by the Court of Appeal who confirmed that policies are out-of-date for such purposes if they have been: “... overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason, so that they are now out-of-date”. In effect, such a decision is a planning judgement.
- 1.7 The National Planning Policy Framework (NPPF) confirms that where an authority cannot demonstrate a five-year supply of deliverable housing sites or where delivery over the previous three years has been substantially less than the housing requirement, then a plan would be regarded as out-of-date. This is not currently the case for this Council. However, if it is not possible to submit the new local plan by 30 June 2025, then there will be an increased likelihood that the adopted plan would be regarded as being out-of-date which will leave the Council vulnerable.
- 1.8 It will be appreciated that the deadline set by the government is likely to be very challenging with little room for slippage, for example because of unforeseen or changed circumstances. It is also not clear whether in the event that the Council is not able to submit by 30 June 2025 how much of any evidence base or work undertaken to date would be transferable to a new plan. Officers will keep members up to date in respect of progress on the new system through future reports to this committee.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Support for businesses and helping people into local jobs - Local people live in high quality, affordable homes
Policy Considerations:	None
Safeguarding:	None discernible
Equalities/Diversity:	An Equalities Impact Assessment of the Local Plan review will be undertaken as part of the Sustainability Appraisal.
Customer Impact:	No issues identified
Economic and Social Impact:	The decision, of itself, will have no specific impact.
Environment and Climate Change:	The decision, of itself, will have no specific impact.
Consultation/Community Engagement:	None
Risks:	As detailed in the report a Local Development

	<p>Scheme is a legal requirement.</p> <p>The Local Development Scheme identifies a number of risks and how these will be managed.</p>
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