

Delegated Portfolio Holder Decision

Is the final decision on the recommendations in this report to be made via this function?

Yes

Report Title

Final Decision-Maker	Portfolio Holder
Portfolio Holder(s)	Cllr Alan McDermott – Leader and Portfolio Holder for Planning and Transportation
Lead Director	Lee Colyer – Director of Finance, Policy and Development
Head of Service	Steve Baughen – Head of Planning
Lead Officer/Author	Steve Baughen – Head of Planning
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That the Local Development Scheme as attached at **Appendix A** to come into effect from 9th June 2020 and be published on the Council's website

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

- The Local Plan is the main planning policy document being produced by the Council. The strategic, site allocation and “development management” policies within it will set out the requirements and locations for future development, which is fundamental to a prosperous, well and inclusive borough. The Local Development Scheme sets out the programme for the delivery of the new Local Plan.
- The delivery of a new Local Plan is specifically identified as one of the eight big projects in the Five Year Plan.

Timetable

<i>Meeting</i>	<i>Date</i>
Agreed for publication by Portfolio Holder	21 May 2020
Agreed for publication by Head of Service	20 May 2020
Other committee(s)	N/A
Report published	22 May 2020
Decision due not before	2 June 2020

Report Title

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Council is required to publish a Local Development Scheme. As a result of the significant consultation response to the Draft Local Plan in 2019 it is deemed necessary and appropriate, so that the responses can be fully considered and addressed, to adjust the timetable for the Local Plan, and to update the Local Development Scheme to address this.
 - 1.2 The purpose of the report is to seek the agreement of the Portfolio Holder for the updated Local Development Scheme.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The Council is required to publish a 'Local Development Scheme' (LDS) which sets out details of the planning policy documents that the Council is applying, together with those to be prepared over the next 3 years, and their timescales. It is important that the LDS is kept up-to-date, so that statutory agencies, businesses, landowners, developers and particularly local residents know when they are likely to be able to participate in the plan-making process.
- 2.2 Public ("Regulation 18") consultation took place on a full Draft Local Plan between 20 September 2019 and 15 November 2019 (the period having been extended, following requests from Parish and Town Councils and other organisations, to allow more time for interested parties to fully absorb and comment on the Draft Plan).
- 2.3 There has been a huge response to the consultation, with over 8,000 individual comments, from over 2,000 individuals, organisations, businesses and developers. It is likely that as the consultation was on a Draft Local Plan with a full suite of strategic, site allocation and development management policies, rather than a less specific iteration, that many comments which would normally be received at the later "Regulation 19" stage were received at this stage. All comments are now viewable online in the form of a series of "response reports" for each section/settlement.
- 2.4 The inputting and consideration of these comments has taken a significant amount of time (and given the level of response, longer than was anticipated), and it is evident from reviewing the comments received that further work is needed in relation to a broad range of matters in order to fully consider and address the main issues raised by respondents.
- 2.5 Furthermore consideration needs to be given to both the short/medium and longer term implications of the coronavirus outbreak. At this stage, whilst there remains difficulties in the accuracy of estimating what these will be, the implications must be considered both strategically, in terms of the need to

stimulate economic recovery and residents' quality of life, and in relation to particular impacts, such as on travel patterns, the demand for office and retail space, and housing, including affordable homes.

- 2.6 A revised timetable for the Local Plan has been drawn up, as summarised below and incorporated into an updated LDS provided at **Appendix 1**.

Milestone	Current LDS Timetable	Proposed LDS Timetable
Full Council approval of Pre-Submission Local Plan for consultation and submission	July 2020	February 2021
Consultation on Pre-Submission Local Plan (Reg 19 consultation)	August/September 2020	March/April 2021
Submission	December 2020	June/July 2021
Examination	May 2021	November 2021
Inspector's Report	September 2021	April 2022
Adoption	December 2021	June 2022

- 2.7 Member engagement and oversight of the process up to the Planning and Transportation Cabinet Advisory Board, Cabinet and ultimately Full Council's consideration of the final (Pre-Submission) version of the Local Plan in February 2021 will continue during the intervening period through the cross party Planning Policy Working Group (to which all Members of the Council are invited).
- 2.8 For the reasons set out above, it is considered necessary to extend the programme for the Local Plan by some 6 months. This would also mean adoption 6 months later, the implication of which would be that the plan period after adoption would be closer to 14 rather than 15 years, as expected by legislation. Therefore, it is also proposed that the plan period be extended by a year to 2037.
- 2.9 At the same time, taking on board that the Government's standard method for calculating housing need states that this should be based on the current year, it is proposed that the base date of the Local Plan be April 2020. This will also tie in with the date of the most recent housing monitoring information. Therefore the Local Plan period would be 2020-2037.

3. AVAILABLE OPTIONS

- 3.1 Option 1: Do not update the LDS and continue along the timetable in the current LDS. This would mean finalisation of work on the Pre-Submission Plan in short order, without the further work being completed to allow the full consideration of, and addressing, the main issues raised by respondents. It would expose the Local Plan to considerable risk at Examination, either of significant further delay

at that stage, or of not being found sound by the Planning Inspector. This carries its own significant financial, societal and environmental risks.

- 3.2 Option 2: Do not update the LDS but prepare the Plan along the proposed timetable of submission in June/July 2021. This would mean that the further consideration and work outlined above would be completed, but that statutory agencies, businesses, landowners, developers and local residents would not have up-to-date information on when they are likely to be able to participate in the plan-making process, and would be contrary to legislation and national planning practice guidance.
- 3.3 Option 3: Update the LDS and following the proposed timetable as set out. This would facilitate the completion of the further consideration and work outlined above, in relation to the representations made through the public consultation on the Draft Local Plan. Risks associated with speculative planning applications (particularly on sites not proposed for allocation in the Draft Local Plan) continue to be managed through close liaison between the different departments within Planning Services. The proposed timetable should also facilitate review of the changes to the standard method to calculating housing need which have been outlined by Government, and for the results of the Government's White Paper on modernising the planning system (originally scheduled (pre-pandemic) for Spring 2020) to be considered in the Pre-Submission Version of the Plan, subject to the release of these not being delayed.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Whilst the updated LDS involves a delay to the previously agreed Local Plan programme, it is believed that this is both necessary and appropriate in order to give full consideration to the extensive comments made to the Draft Local Plan. Therefore Option 3 is the preferred option, for the reasons set out previously in the report.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The proposed LDS has been reviewed and endorsed by the cross party Planning Policy Working Group.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Post agreement the updated LDS will be uploaded to the Council's website, and an email sent to everyone on the Council's Local Plan database advising of the updated LDS. An article will also be included in the summer edition of "Local", sent to all residences in the Borough, and the Parish and Town Council Chairman and Planning Agents and Developers' Forum will also be advised.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	Section 15 of the Planning and Compulsory Purchase Act 2004 as amended requires local planning authorities to prepare a Local Development Scheme that must include specifying which documents comprise the Development Plan, both adopted and proposed, and the timetable for the preparation and revision of the development plan documents. The Scheme must be kept up to date and published on the authorities website. The proposed updated Scheme is in compliance with the legislation.	Keith Trowell, Team Leader (Corporate Governance), MKLS
Finance and other resources	The budget for the Local Plan is managed within Planning Services, in liaison with Finance	Jane Fineman, Head of Finance and Procurement 21 May 2020
Staffing establishment	There are no staffing implications: the Planning Policy team has a full compliment of officers/resource, which has been identified as the minimum necessary (as identified at paras 4.2 – 4.4 of the LDS)	Steve Baughen Head of Planning 21 May 2020
Risk Management	<p>This is specifically addressed as Risk Scenario 8: Local Plan adoption – housing in the Council’s Risk Register.</p> <p>Subject to the agreement of the proposed timetable, the risk is considered on the RAG status as “amber”: likelihood – unlikely; impact - moderate. Controls/mitigations and actions are place: these are set out in the Council’s Risk Register, which will next be reported to Audit and Governance Committee in July 2020.</p>	Steve Baughen Head of Planning 21 May 2020
Data Protection	Data protection is subject to existing controls in the current programme and LDS, and this will not change in the proposed	Steve Baughen Head of Planning

	LDS.	21 May 2020
Environment and Sustainability	<p>Environmental, including climate change, as well as economic and societal, matters are key considerations in the Local Plan, on which there was a considerable response in the Draft Local Plan consultation. The proposed programme and LDS will enable the necessary and appropriate consideration of these representations.</p> <p>The Pre-Submission version of the Local Plan will detail how these matters have been considered and take into account in that version of the Local Plan, including the Council's obligations under the National Environment and Rural Communities Act 2006 and the Countryside and Rights of Way Act 2000</p>	<p>Steve Baughen Head of Planning 21 May 2020</p>
Community Safety	No community safety issues arise as a result of this report.	<p>Steve Baughen Head of Planning 21 May 2020</p>
Health and Safety	No health and safety issues arise as a result of this report.	<p>Steve Baughen Head of Planning 21 May 2020</p>
Health and Wellbeing	No health and wellbeing issues arise as a result of this report.	<p>Steve Baughen Head of Planning 21 May 2020</p>
Equalities	Having regard to the requirements under the Public Sector Equality Duty (s149 of the Equality Act 2010), it is not considered that the decision recommended through this report is likely to have any differential impact on people with protected characteristics.	<p>Steve Baughen Head of Planning 21 May 2020</p>

8. REPORT APPENDICES

- Appendix A: Local Development Scheme May 2020