

Local Development Scheme

CLLr Ian Pritchard – Cabinet Member for Economic Growth, Development and Environment

Date:	6 th September 2016
Agenda Item:	6
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Key Decision?	NO
Local Ward Members	All



Cabinet

1. Executive Summary

- 1.1 The Planning and Compulsory Purchase Act 2004 introduced the requirement for local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS is a project plan that sets out a timetable for the production of new or revised Development Plan Documents (such as a Local Plan) by the publishing council.
- 1.2 This report seeks to agree and publish an updated Local Development Scheme (LDS) for the progression of the Local Development Plan in light of the issues which have emerged since the adoption of the Local Plan Strategy in February 2015 and the previous LDS also produced in February 2015.

2. Recommendations

- 2.1 That the Cabinet approves the revised Local Development Scheme as set out in **APPENDIX A** to this report and agrees to its publication.

3. Background

- 3.1 Councils are required to produce a Local Development Scheme (LDS) under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS must specify the documents which when prepared will comprise the Local Plan for the area. The Local Plan will be accompanied by other planning documents which are not Local Plan Documents and for which inclusion within the LDS is not required. However these documents such as Supplementary Planning Documents (SPD) Statement of Community Involvement (SCI), Authority Monitoring Report (AMR) are referenced to give context to their relationship to the Local Plan.
- 3.2 The LDS includes the following information as required by legislation:
 - those documents that form the statutory Local Development Plan,
 - each documents subject matter(s) and geographical coverage,
 - if any documents are to be prepared jointly with another authority,
 - where the authority agrees to the constitution of a joint committee and a timetable for the preparation and revision of the Local Plan Documents.

The LDS sets out the timetable for the production of documents that will form the Lichfield District Local Plan over the next three year period.

- 3.3 This LDS when approved will supersede the previous LDS published in February 2015 which was based on the date of adoption of the Local Plan Strategy in February 2015.

3.4 At the Economic Growth, Environment and Development Overview and Scrutiny Committee on 15th June 2016, as a result of the extended legal challenge to the Local Plan Strategy and issues concerning the Birmingham housing shortfall, three options for progressing Part 2 of the Local Plan, a Site Allocations Plan were presented. Due to the complexity of the situation, professional planning advice was sought whilst developing these options. The 3 options can be summarised as follows:

- Option 1 – progress with the Lichfield District Local Plan Allocations Development Plan Document (DPD) to deal with the remaining Local Plan Strategy requirements and commit to an early review of the Local Plan once the situation with regards to Birmingham is clearer. It is likely that a review would commence immediately upon adoption of the Local Plan Allocation.
- Option 2 – undertake a partial review of the Local Plan Strategy to take account of the Birmingham requirement along with producing Site Allocations to deal with remaining Local Plan Strategy requirements.
- Option 3 – commence a full Local Plan review to replace the adopted Local Plan Strategy and forthcoming Allocations DPD with a single comprehensive Local Plan which also accounts for Birmingham’s housing need.

Option 1 was agreed as the recommended course of action as this presented the most expedient approach to plan production and provided the greatest certainty for communities and the development industry that the remaining requirements of the Local Plan Strategy will be met quickly. This action now needs to be set out in an updated LDS. Attached at **APPENDIX A** is a proposed revised LDS.

3.5 In summary the LDS has been amended in the following ways:

- Updated narrative to reflect the current situation
- Reflects the changes to the requirements of the information provided by an LDS to conform to the Planning and Compulsory Purchase Act 2004 (as amended) and the Localism Act 2011 requirements.
- Chapters 1 and 2 of the LDS 2015 have been amalgamated.
- Chapter 5 of the LDS 2015 has been amalgamated into Chapter 4 of the LDS 2016.
- Development Plan and Implementation team replaced by Spatial Planning and Delivery Team throughout the document.
- Added sections on Habitats Regulations Assessment, Neighbourhood Plans, Authority Monitoring Report and Community Infrastructure Levy to Chapter 3. Also identified more clearly which documents form the Local Development Plan.
- Appendix 2: Local Plan document profiles amended to only contain Development Plan Documents and these are now in a table format.
- Appendix 3: the LDS now contains a gantt chart timetable of the programme for the development of the Development Plan documents.
- Appendix 4 – status of Supplementary Planning Documents (SPD) updated to reflect those withdrawn and those adopted.
- Appendix 5 – amendments to LDS 2015 listed.

Alternative Options	<ol style="list-style-type: none"> 1. The current timetable set out in the ‘Local Development Scheme (2015)’ could be retained however this is not considered appropriate as the 2015 LDS is out of date and not in accordance with the statutory requirement to prepare and maintain an LDS under the Planning and Compulsory Purchase Act 2004. 2. To develop the LDS based on the alternative Options 2 and 3 as contained in the report to Economic Growth, Environment and Development Overview and Scrutiny Committee on 15th June 2016. However, these options were
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	considered and rejected by that Committee.
Consultation	1. Consultation has taken place with the Economic Growth, Environment and Development Overview and Scrutiny Committee (June 2016) regarding the approach taken towards the development of the Development Plan documents. Its recommendation is reflected and timetabled in the revised LDS.
Financial Implications	<ol style="list-style-type: none"> 1. There will be no cost implications with regard to the production of the LDS as this is solely a document detailing how the development plan for the District will be progressed. 2. There will be cost implications associated with taking forward the Site Allocations document. Costs will be minimised by using expertise in house, however there will be a need to commission specialist expertise on certain matters. Any financial or resourcing issues requiring a formal decision will be brought before members.
Contribution to the Delivery of the Strategic Plan	1. The LDS will contribute to the priorities set out in the Strategic Plan by putting in place an effective timetable for the preparation and revision of the Development Plan documents which supports the sustainable development of the District and helps to deliver a number of strategic objectives.
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. It is important that local communities and interested parties can keep track of progress of Development Plan documents. This opportunity is provided through the LDS which when approved will be published on the District Council's website. 2. The development of the Development Plan documents, through a process of engagement and consultation, ensures that all sectors of the local and wider community have an opportunity to input into the planning process.
Crime & Safety Issues	1. There are no crime and safety issues.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	If we do not have an up-to-date LDS our plan making procedures could be challenged.	Ensure that an up to date LDS exists to support the development of Development Plan documents.	Yellow
B	The risk of changing legislation during the preparation of the Local Plan is a potential issue. Publication of national policy statements can generate new issues that the Local Plan or its preparation must address.	Ensure that a review of the LDS is undertaken to ensure it remains up to date to support the development of Development Plan documents.	Green
C	Not meeting the timetable proposed within the LDS	Timetable should be set on realistic basis taking into account the staff and financial resources available and the demands being made upon these.	Yellow

Background documents

[Local Development Scheme February 2015](#)

[Local Plan Update report to EGED O&S June 2016](#)

Relevant web links