

# Local Development Scheme (LDS) Revision

Report of the Cabinet Member for Investment, Economic Growth & Tourism  
Councillor I. Eadie



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Local Ward Members	All Members

**CABINET**

## 1. Executive Summary

- 1.1 Local authorities are required to prepare a Local Development Scheme (LDS), make it publically available and keep it up to date. The LDS must set out the local development documents for the Local Authority's area such as the local plan and any 'made' neighbourhood plans for the area along with the Council's three year programme for preparing any Local Development Documents
- 1.2 The reason for updating the LDS at this time is to propose a revised timetable for updating the Local Plan. The next version of the Local Plan will be the publication (regulation 19) version. At this formal stage, the document should be the Council's final position with limited scope for further alteration.
- 1.3 Whilst a range of supporting evidence to underpin the Local Plan has now been completed, further evidence is still required to support the publication (regulation 19) version of the plan. Furthermore, the evidence base completed to date is also being reviewed internally with additional 'critical friend' support provided externally by a Barrister and planning consultancy to ensure it is robust and can indeed support proposed plans and policies.
- 1.4 It is proposed to amend the current Local Development Scheme programme so that the publication version consultation date changes from May 2020 to July 2020. This will allow sufficient time for further work to support the evidence base needed for the publication version of the Local Plan. There is sufficient time within the current LDS programme for this alteration without change to the timing of the subsequent steps including the submission date of January 2021. Members will recall that there is a commitment in the adopted Lichfield District Local Plan Allocations to submit a review of the Local Plan by no later than December 2021.
- 1.5 In order to be able to respond flexibly to the changing impacts of Covid 19 restrictions on local plan preparation, it is also proposed that delegated powers to the Cabinet member for Investment, Economic Growth and the Environment in conjunction with the Head of Economic Growth be given to update the Local Development Scheme timetable where it would not result in the delay of the Submission version of the Local Plan beyond Spring 2021.

## 2. Recommendations

- 2.1 That the Cabinet notes the progress and next steps associated with the Local Plan Review.
- 2.2 That the Cabinet approves the revised Local Development Scheme timetable set out in paragraph 3.9 of this report.
- 2.3 That Cabinet agrees to delegate to the Cabinet member for Investment, Economic Growth & Tourism in conjunction with the Head of Economic Growth the ability to amend the Local Development Scheme timetable subject to any change not delaying the submission of the Local Plan beyond Spring 2021.

## 3. Background

### *Local Development Scheme (LDS)*

- 3.1 Councils are required under section 15 of the Planning and Compulsory Purchase Act 2004 to produce a Local Development Scheme (LDS). The LDS must specify which documents form the local development documents for the area such as the Local Plan, any made Neighbourhood Plans and any other supporting documents such as supplementary planning documents. The LDS enables the community, business, developers, service and infrastructure providers and other interested organisations to know the timetable for the production of the Local Plan and can identify any Supplementary Planning Documents (SPD) which the Council wants to prepare during the next 3 years and when they are able to participate.
- 3.2 It is important that continued progress is made on the current local plan review because there is a commitment in the adopted Lichfield District Local Plan Allocations to 'submit' the Lichfield District Local Plan Review to the Planning Inspectorate (PINS) by no later than the end of December 2021. However, notwithstanding the need to progress the Local Plan review, the Council will need to also satisfy itself that upon 'submission' of the plan, it is deemed to be 'sound' and legally compliant. The next iteration of the emerging Local Plan will be the 'publication' (regulation 19) version. At this formal stage, the document should be the Council's final position with limited scope for further alteration before 'submission' to the Secretary of State and its examination.
- 3.3 The current Local Development Scheme (LDS) proposes the publication (regulation 19) version for consultation in May 2020 and for submission to the Secretary of State in January 2021. It is proposed to now amend the current Local Development Scheme (LDS) programme so that the publication version consultation date changes from May 2020 to July 2020. This will allow sufficient time for the full consideration of representations received to the preferred options consultation held November 2019 to January 2020, and for the further work to support the evidence base to inform the publication version of the Local Plan. It is considered there is sufficient time within the LDS programme based on the information currently available to officers for this alteration to be done without change to the timing of the subsequent steps including the submission date of January 2021. The meeting of the Economic Growth, Environment and Development (Overview and Scrutiny) Committee in March 2019 considered a revised timetable set out in paragraph 3.6 below and based on the report they recommend to Cabinet that this timetable proceed.

### *Evidence base*

- 3.4 A significant amount of evidence has been gathered and completed to date and was published in support of the Preferred Options version of the Local Plan review. However, further important evidence is still required. It is anticipated that the areas of evidence outlined below will become available to inform the emerging Local Plan during the period April to June of 2020. The areas of evidence presently being prepared or still to be prepared include:
- Infrastructure evidence including transport modelling and updated Infrastructure Delivery Plan.
  - Cannock Chase Special Area of Conservation (SAC) related evidence
  - Viability Evidence
  - Stage 2 Strategic Flood Risk Assessment (SFRA)
  - Open Space and Green Infrastructure Study
  - Climate Change adaption & Mitigation Strategy
- 3.5 In addition to the above areas of evidence required, it is considered prudent to critically review the evidence completed to date. This review is being undertaken internally, but also with additional

‘critical friend’ assistance from a Planning Barrister and in respect of the Green Belt Review a planning consultancy. Where possible, it will also be appropriate to update the completed evidence to support the publication (regulation 19 version) so that it is based on the most up to position.

*Next steps*

- 3.6 Taking the matters above into account, it is proposed to amend the timetable in the Local Development Scheme (LDS) in order for the publication (regulation 19) version to be published in July 2020 instead of May 2020 for the reasons outlined in this report. Accordingly, the timetable for the Local Plan review now proposed is as follows:
- Publication July 2020
  - Submission January 2021
  - Examination May 2021
  - Adoption February 2022
- 3.7 Based on the above timetable, it is anticipated that a further report will be prepared for Economic Growth, Environment and Development, Overview & Scrutiny committee in June 2020 that will inform the publication (regulation 19) version proposed to be considered for public consultation by Cabinet in July 2020. It will be informed by careful review and response to the representations received to the Preferred Options consultation which will also be presented to Cabinet in July 2020 alongside consideration of the additional evidence gathered.
- 3.8 It is recognised that the ability to collect some data sets to support the Local Plan evidence base and the ability to meet statutory publicity requirements in preparing the Lichfield Local Plan may be affected by the ongoing Covid 19 restrictions. The impact in this regard at the time of writing is still being understood and needs to be kept under regular review as the Covid 19 restrictions evolve and change. Accordingly, it is proposed in this report to ask Cabinet to delegate the ability to amend the LDS timetable to the Cabinet Member for Investment, Economic Growth & Tourism in conjunction with the Head of Economic Growth, rather than report each potential change back to Cabinet. These delegation responsibilities would only apply where any changes in the LDS timetable would not result in the local plan submission date to the Secretary of State being beyond Spring 2021. The requirement for the publication and submission versions of the Local Plan, and accompanying Sustainability Appraisal and Habitat Regulations Assessment to be considered by Cabinet would be unaffected.

<p><b>Alternative Options</b></p>	<ol style="list-style-type: none"> <li>1. Lichfield District could seek to issue the publication version of the plan in accordance with the current Local Development Scheme timetable. However, there is insufficient time for the plan to be supported by consideration of the representations received at preferred options stage or for a sufficiently comprehensive and credible evidence base to be gathered to support the publication version.</li> <li>2. To not prepare a Local Plan and Local Development Scheme. This would mean the Council would fail to meet its statutory obligations in law resulting in government intervention and potential legal challenge, and would also result in unplanned development and its associated impacts on delivering the Council’s strategic priorities.</li> </ol>
<p><b>Consultation</b></p>	<ol style="list-style-type: none"> <li>1. Consultation has been undertaken on the previous stages of the Local Plan Review. The Preferred Options document consultation has now closed and responses are being considered.</li> <li>2. Consultation has taken place with Economic Growth, Environment and Development Overview &amp; Scrutiny committee on 11<sup>th</sup> March 2020.</li> </ol>

	<ol style="list-style-type: none"> <li>3. The next stages of the Local Plan Review process will provide opportunity for representations to be made.</li> </ol>
Financial Implications	<ol style="list-style-type: none"> <li>1. The costs for future stages of the Local Plan review process will be met within approved budgets.</li> <li>2. A budget has been established to support the Local Plan Review evidence base.</li> <li>3. There are no cost implications in the production of the LDS.</li> </ol>
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> <li>1. Supports the priority of 'Enabling People' through the LDS setting out the timetable for Local Plan preparation which make provision for growth in housing and other land uses informed by public consultation so they can live healthy and active lives.</li> <li>2. Supports the priority of 'Shaping Place' through the LDS setting out the timetable for the Local Plan preparation for allocation of new land uses, preserving the districts assets and ensuring growth is done sustainably and with balanced infrastructure provision.</li> <li>3. Supports the priority of 'Developing Prosperity' through the LDS setting out the timetable for the Local Plan preparation which makes provision for land use allocations including employment and residential use, thereby encouraging economic growth, enhancing the district and providing certainty for investment.</li> <li>4. Supports the priority of being a 'Good Council' by accountability, transparency and responsiveness as the updated LDS enables the community, business, developers, service and infrastructure providers and other interested organisations to know the timetable for the production of the Local Plan</li> </ol>
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> <li>1. An Equality Impact Assessment accompanies the Local Plan Review document. This will require ongoing update.</li> </ol>
Crime & Safety Issues	<ol style="list-style-type: none"> <li>1. None arise from the preparation of the Local Development Scheme.</li> </ol>
Environmental Impact	<ol style="list-style-type: none"> <li>1. The proposed change in the time frames in this report have no impact on the environment. In respect of the Local plan itself, the Council is required to assess the environmental impacts of any plan which it produces. Accordingly a Sustainability Appraisal Scoping report accompanied the earlier Scope, Issues and Options version of the plan. Subsequent versions of the emerging Local Plan have been accompanied by a Sustainability Appraisal and a Habitat Regulations Assessment. The Preferred Options Local Plan review version published in November 2019 was accompanied by updated versions of the Sustainability Appraisal and Habitat Regulations Assessment which were also subject to the consultation process. These documents form an important part of the supporting evidence to the local plan review and help the council to assess the possible impacts of the plan and its policies and therefore how impacts can be addressed or mitigated against. These processes will continue to be undertaken at each stage of the Local Plan review.</li> </ol>
GDPR/Privacy Impact Assessment	<ol style="list-style-type: none"> <li>1. A privacy impact assessment was completed for the Preferred Options document.</li> </ol>

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	The quantum of comments received means that officers do not meet the deadlines programmed.	It is considered that with the proposed revision to the LDS timetable, officers will be able to ensure efficient upload and turnaround of responses.	Yellow
B	Evidence base requirements emerge that were unforeseen.	Officers will need to continue to assess the need for evidence. It is considered that a delay in the timing of the publication version in the Local Development Scheme to July 2020 is required in order for the evidence base to be comprehensive.	Yellow
C	Evidence base work being undertaken now identifies a risk to the Plan being sound.	Officers will need to continue to monitor emerging evidence base outputs. Where the risk of soundness is identified officers will need to consider all aspects of this risk before recommending an alternative Plan.	Yellow
D	Covid 19 work restrictions cause delay in the collection of the evidence base to support the local plan	The proposed LDS timetable will still allow an 11 month window for submission to the Planning Inspectorate (PINS) should the Covid 19 work restrictions affect the ability to collect evidence. However, it is important to minimise any delay to avoid the need to have to review whether the existing evidence base is sufficiently up to date and to reduce the potential for further impact on delivery from future changes in national guidance. Members will be updated should further revisions to the LDS be necessary.	Yellow

## Background documents

[Local Plan Review Preferred Options](#)

## Relevant web links

[Local Development Scheme](#)

[Local Plan Review](#)

[Local Plan Review Preferred Options](#)

[Evidence Base](#)

[Neighbourhood Plans](#)