

## **CABINET – 4TH APRIL 2024**

### **Report of the Head of Planning and Growth Lead Member: Councillor Kanchan Jadeja**

#### **Part A**

#### CHARNWOOD LOCAL DEVELOPMENT SCHEME 2024

##### Purpose of Report

To seek approval of the revised Local Development Scheme (LDS) so that the programme for the preparation of planning documents for Charnwood is agreed.

##### Recommendations

1. That the revised programme for the preparation of local development documents as set out in the Local Development Scheme attached to this report be approved;
2. That the Local Development Scheme comes into effect and is published by Friday 29 March 2024; and
3. That authority is delegated to the Head of Planning and Growth in consultation with the Lead Cabinet Member for Planning to make any minor typographical/graphical amendments to the Local Development Scheme prior to its publication.

##### Reasons

1. To ensure that the Local Development Scheme provides a realistic programme for the preparation of development plan documents.
2. To meet the requirements of Section 15 of the Planning and Compulsory Purchase Act (2004), as amended by the Localism Act 2011 and the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended by the Town and Country Planning (Local Development) (England) (amendment) Regulations 2008, 2009 and 2012.
3. To enable the timely publication of the revised Local Development Scheme.

##### Policy Justification and Previous Decisions

The Local Development Scheme (LDS) is a statutory document that sets out the programme for the production of the Charnwood Local Plan. The last LDS was published in April 2023 following Cabinet approval on 9 March 2023 (minute 69 2022/23 refers).

The Local Plan is an important tool that contributes the delivery of key elements of the Corporate Strategy and its vision for the Borough, particularly in relation to the themes 'Caring for the environment', 'Healthy communities' and 'A thriving economy'.

An up-to-date local plan serves as a mechanism to encourage new jobs and businesses, ensure that growth in homes and infrastructure benefits residents, and to protect the environment for future generations. It will also support the Council's work to increase tourism and support initiatives to help our towns and villages to thrive and provide sports facilities and green spaces.

The legislative provisions for the Local Plan are set out in the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. Further regulation is provided by the Town and Country Planning (Local Development) (England) Regulations 2004. Amendments to the 2004 Act and Regulations in 2008, 2009 and 2012 provide further specificity around the requirements for LDS and Local Plan production. The Localism Act 2011 requires the LDS to be made available to the community and other interested parties so they understand what policy work will be done and when it is programmed to take place. This then helps them to time their own activities around engagement and promote their objectives at the appropriate time.

The form and content of local plans are shaped by the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) as appropriate.

#### Implementation Timetable including Future Decisions and Scrutiny

A revised version of the LDS is attached in the appendix and covers the three-year period until 31 March 2027 and would come into effect before the end of March 2024. The programme is necessary to set out the next stages in the preparation of local planning policy for Charnwood.

The revised LDS includes a programme that focuses on the Local Plan examination programme which is indicative based on discussions with the Programme Officer. It should be noted that once a local plan is within the examination process the timetable is directed by the Planning Inspectorate. The LDS also signals the intention to prepare three Supplementary Planning Documents (SPD) to inform decision-taking. The first of these being revised guidance on meeting housing needs – specifically relating to affordability, mix, tenure, and specialised residential accommodation (including purpose-built student accommodation). The second proposed SPD relates to the implementation of the Council's approach to securing biodiversity net gain from new development. The third SPD will provide guidance on the basket of planning obligations involved in mitigating development and how the Borough Council will work with stakeholders to secure financial contributions. It will also consider how to manage the obligations basket where viability is an issue to delivery.

#### Report Implications

The following implications have been identified for this report.

#### *Financial Implications*

Provision has been made in the budget for 2024/25 for the work required on the final elements of the examination and possible public consultation on modifications (to the new Plan) and adoption to enable work identified by the LDS to progress during the first year. The potential costs of the detailed programme of activity under years two and three will be identified ahead of the appropriate budget setting periods,

considering the relevant LDS review and prevailing circumstances. These will be identified as one-off budget pressures in the relevant budget rounds where necessary in line with normal working practice.

The total costs of producing a Local Plan consist of the consultancy costs and establishment staff costs over the period of plan preparation and the costs of the Planning Inspectorate. These costs are met by existing budgets. Members should be aware that the Local Plan draws on staff resources from across the Council, including the CEO and Director, and that staff in the Planning and Growth Service are engaged in other tasks, so it is difficult to establish exact Local Plan programme costs.

**Risk Management**

The risks associated with the decision Cabinet is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Failure to publish a Local Development Scheme prejudices the effective programming of planning documents and the timely preparation of a sound Local Plan.	Unlikely (2)	Significant (2)	Low (4)	Maintain effective project management through the LDF Project Board

**Equality and Diversity**

None identified.

**Climate Change and Carbon Impact**

None identified.

**Crime and Disorder**

None identified.

**Wards Affected**

All

**Publicity Arrangements**

N/A

**Consultations**

N/A

### Links to the Corporate Strategy

Caring for the Environment	Yes
Healthy Communities	Yes
A Thriving Economy	Yes
Your Council	Yes

Key Decision: Yes

Background Papers: None

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## Part B

### Background

1. Local planning authorities are required to prepare a Local Development Scheme (LDS) setting out a 3-year programme for the preparation of local development documents and to keep it under review.
2. The Council adopted its first LDS in October 2005 and revisions have been made in every year since. The LDS is now reviewed on an annual basis and presented to Cabinet.
3. The review of the LDS sets out the programme for preparing a Local Plan and signals the intention announced in the emerging Local Plan to prepare two further supplementary planning documents. It is essential that work on the Local Plan continues to be given high priority to maintain a positive planning framework for growth and to engage positively in strategic planning matters for Leicester and Leicestershire.

### Progress made on the Local Plan

4. Following the adoption of the Core Strategy in November 2015, the 2016 LDS signalled the commencement of a single Local Plan to cover the period to 2036 (now extended to 2037) to respond to the Leicester and Leicestershire Strategic Growth Plan and the government's priority to significantly boost housing delivery.
5. The Local Plan was submitted to the Secretary of State for examination in December 2021, with the initial hearings held in June 2022. However, upon commencement, the Inspectors determined that for procedural reasons it was necessary to pause the Sessions. This was because the Borough Council had during the opening day stated their intention to respond positively to the apportionment of some of Leicester City's unmet housing and employment needs incorporated into the draft Local Plan.
6. The pause in the examination concluded with an additional set of Hearing Sessions during October 2022 to discuss the apportionment of Leicester City's unmet needs and the implications for the housing and employment needs. The successful conclusion of these additional sessions allowed for the examination to resume in February 2023. Following the closure of the February 2023 hearing sessions the Inspectors wrote to the Council requesting further information and updates to evidence. A further consultation was then held on these technical documents between September and November 2023 and hearing sessions held in February 2024 based on the technical consultation documents. The LDS therefore needs to be updated to reflect where the Local Plan is within the examination process.
7. The proposed programme for the preparation of the new Local Plan is:
  - Resumption of Examination in Public hearing sessions – February 2024
  - Inspector's report published – October 2024
  - Adoption of Local Plan – November/ December 2024

8. The new LDS anticipates that subject to the February 2024 Hearing Sessions concluding successfully the Inspectors could be able to invite the Borough Council to consult on main modifications during Summer 2024, with the reasonable expectation that the Inspectors could publish their report during October 2024. This could allow for the Borough Council to adopt the new Local Plan during November/ December 2024.
9. The management of the Local Plan examination falls with the Planning Inspectorate and the appointed Inspectors area of control; consequently, there is scope for the anticipated milestones to change. This is evidenced by the delay that the process has already experienced. Although the Borough Council has limited influence on these factors, it nevertheless continues to seek to minimise the potential risk of delay.

#### Supplementary Planning Documents (SPD)

10. The LDS identifies three SPDs to be prepared during the three-year period. The three SPDs proposed under this LDS seek to provide additional planning policy guidance firstly on housing ,secondly in relation to biodiversity and thirdly on planning obligations. All the documents are linked and dependent upon parent polices contained within the new Charnwood Local Plan. Although it has been possible to commence work on the Housing and Biodiversity SPDs, their latter stages, particularly public consultation, will need to take place post-adoption of the new Local Plan. The inclusion of the Planning Obligations SPD within the LDS is a result of discussions at the Local Plan examination hearing sessions in February 2024 in relation to viability. It may be necessary where there are viability issues as part of any future planning application to prioritise planning obligations. Preparation of the Planning Obligations SPD will commence shortly with a view to consult on a draft document early in 2025 with adoption Spring/Summer 2025.
11. The proposed new Housing SPD will seek to inform and provide guidance to decision-taking in relation to proposals that meet specific aspects of the Borough's housing need. The scope of this SPD will be guided by the Borough Council's corporate priorities and the evolving decision-taking experience. It is anticipated that it will include guidance on housing mix of size and tenure, specialised forms of housing, space standards, and the delivery of new affordable homes.
12. New proposals coming through the development management process – particularly those relating to highly specialised forms of residential accommodation – have accelerated the need for the new Housing SPD. This was acknowledged by the Borough Council's Local Plan Project Board, who suggested that the LDS prioritise work on this SPD. Initial work has commenced on the SPD; however, formal consultation cannot commence until the Local Plan is adopted. Based on the anticipated Local Plan timeline this could provide an opportunity for public consultation during the end of 2024/ early 2025 and formal adoption of the SPD during Spring 2025.
13. The proposed new Biodiversity SPD will seek to provide guidance on how the Borough Council will secure compensation for the loss of biodiversity from

development sites. It will build and expand upon an existing interim guidance document that was adopted to support decision-taking during Summer 2022. Whilst the latter document is useful and is being used to extract appropriate contributions from new development, it did not include public consultation and critically is linked to policy contained within the Core Strategy rather than new Local Plan. Consequently, it is highly desirable that the proposed new Biodiversity SPD be prepared as a replacement.

14. In addition to being dependent upon the adoption of the new Local Plan, the proposed Biodiversity SPD will also be informed by the enactment of the Environment Act 2021, which came into force on the 12<sup>th</sup> February 2024. The Act is an important milestone for the preparation of the SPD as it requires mandatory biodiversity net gain, introduces statutory environmental targets, and sets out the future of retained EU Law.
15. Local Planning Authorities have a requirement under the Levelling Up and Regeneration Act 2023 to produce an authority wide Design Code and this can be part of the local plan or a Supplementary Plan. Further legislation is required before the preparation of the design code can commence which is expected during this LDS period and therefore the preparation of an authority wide code will be kept under review.

## Appendices

Charnwood Local Development Framework Local Development Scheme – March 2024 to March 2027