

**HOUSING, PLANNING AND REGENERATION AND REGULATORY SERVICES  
SCRUTINY COMMITTEE 3RD MARCH 2020**

**Report of the Head of Planning and Regeneration**

ITEM 09

LOCAL DEVELOPMENT SCHEME

Purpose of the Report

To present the revised Local Development Scheme (LDS), which sets out the programme for the preparation of planning documents for Charnwood.

Action Requested

The committee to consider the revised Local Development Scheme due to be presented to Cabinet on 12th March 2020.

Policy Context

The Local Development Scheme (LDS) is a statutory document that sets out a three-year programme for the production of the Charnwood Local Plan and other planning documents.

The Local Plan will be an important tool in helping to deliver key aspects of the Corporate Plan, particularly for 'Creating a Strong and Lasting Economy' and 'Every Resident Matters'. An up to date local plan is the primary means to encourage new jobs and businesses, ensure growth in homes and infrastructure benefits residents and to protect the environment for future generations. An up to date local plan 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.

Background

The Council adopted its first LDS in October 2005 and revisions have been made a number of times since. The LDS is now reviewed on an annual basis and presented to Cabinet. The current LDS was approved by Cabinet in March 2019 (minute 100 18/19 refers).

A revised version of the LDS is attached in the Appendix and covers the period from 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2023. The revised LDS includes a programme that focuses on preparing a Local Plan for Charnwood that is based on robust evidence and stakeholder engagement so that it can be found 'sound' by the Planning Inspectorate when it is examined. The LDS also signals the intention to prepare a Supplementary Planning Document to provide additional guidance on the Council's policies on developer contributions.

The 2016 LDS signalled the commencement of a single local plan to cover the period to 2036 to respond to the Leicester and Leicestershire Strategic Growth Plan and the government's priority to significantly boost housing delivery. Consultation was undertaken on the scope of the plan in 2016 and in 2018 the key issues and options for the future development in the Borough. A Draft Charnwood Local Plan was published for six weeks consultation on 4<sup>th</sup> November 2019. The consultation ended on the 16<sup>th</sup> December. This was four months later than set out in the current LDS and reflects reduced resources in the Local Plans Team and the pressure from competing priorities particularly related to supporting Neighbourhood Planning, supporting the delivery of strategic developments and contributing to and influencing strategic planning matters.

The next draft of the local plan will be called the Pre-Submission Draft and it will be published for a further six weeks of public consultation. This will be a formal statutory stage of consultation. At end of the Pre-Submission consultation, the Council will submit the plan and the responses received to the independent inspector appointed by the Secretary of State.

This stage is called Submission and it marks the beginning of the examination process. The inspector will review the plan and the responses received through consultation and hold a number of public hearings on key topics. The Council will be invited to attend the hearings to explain and defend the proposed policies and respondents will be invited to attend and explain their objections or support for the plan. The inspector will produce a report and any modification recommended will be consulted on before the plan is adopted.

#### Options Available with Reasons

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. Options to progress more quickly and more slowly were considered and the proposed programme is considered to be the most appropriate balance to ensure the LDS programme is realistic and challenging.

The proposed programme for the preparation of the new Local Plan is set out in the LDS and summarised below:

- Pre-submission Consultation – October 2020
- Submission – January 2021
- Inspector's report published – December 2021

- Adoption of Local Plan – January 2022

The proposed timetable is based on a detailed work programme which maps out the key tasks required ahead of publishing the plan for pre-submission consultation to satisfy legal requirements, the National Planning Policy Framework and tests of soundness. These include:

- Publish the Statement of Consultation for the Draft Local Plan consultation
- Assess new sites proposed through consultation (including sustainability appraisal)
- Review the overall scale of development, development strategy and proposed and rejected sites in light of representations received
- Refine the draft policies based on representations and evidence
- Test and refine the final strategy and sites
- Prepare an Infrastructure Delivery Plan (informed by on-going engagement with infrastructure providers)
- Prepare a Monitoring Framework
- Prepare a Statement of Common Ground (informed by on-going Duty to Cooperate discussions)

The last bullet point is particularly important for the timetable. Leicester City Council were due to publish a draft local plan last autumn but it has been delayed and is due to be published in March 2020. This consultation will set out the evidence of the unmet need for housing in the city and provide a basis for agreement between the Leicester and Leicestershire authorities about how this need will be met elsewhere in the County.

In addition to the Duty to Cooperate, the National Planning Policy Framework requires the preparation and review of all policies to be positively prepared, justified using proportionate evidence, effective and deliverable and consistent with national policy. There are also several key pieces of evidence required before finalising the local plan, in addition to the suite of evidence already prepared, this includes:

- Transport Modelling (proposed allocations and required mitigation)
- Housing Needs Assessment (housing requirement, affordable, specialist)
- Flood Risk Assessment (new sites, cumulative impacts, climate change)
- Landscape Sensitivity Assessment (new sites, cumulative impact)
- Sustainable Transport (inform policy development)
- Air Quality Assessment (proposed allocations and required mitigation)
- Self-Build Register Survey (inform policy development)
- Whole Plan Viability (cumulative impact of proposed policies)
- Sustainability Appraisal (new sites, proposed policies)

To progress the plan more quickly to Pre-Submission consultation would carry significant risk of the plan failing the duty to cooperate or not being found sound. To progress more slowly will prevent the Council creating a positive planning framework which ensures the Council has control over the future development of the Borough.

The programme also takes account of research undertaken on how long the Planning Inspectorate are currently taking to examine a submitted plan, hold hearings and prepare a report. Data from the Planning Inspectorate for the authorities in the East Midlands suggests that it is likely it will take 16 months to progress a plan from pre-submission consultation to adoption and the previous LDS programmed 10 months.

The programme for the Local Development Scheme will be monitored through the Annual Monitoring Report. Managing performance against this programme is important given community and stakeholder expectations and powers available to the Secretary of State to intervene in poor performing authorities.

### Financial and Legal Implications

Provision is made in the budget for the work required on the final elements of the evidence base, consultation and examination to enable work identified by the Local Development Scheme to progress in 2020/21. Potential costs of the detailed programme of activity under years two and three will be identified ahead of the appropriate budget setting periods, taking into account the relevant Local Development Scheme review and prevailing circumstances. These will be identified as one-off budget pressures in the relevant budget rounds 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. Members should be aware that the LDF draws on staff resources from across the council and that staff in the Planning and Regeneration Service are engaged in other tasks and it is difficult to establish exact costs. However, a response has previously been given to Council (Item 6: 6.3 on 29 June 2015) in respect of the last local plan process dating back to 2007 of around £1.5m in staff costs (or an average of about £190k a year over the eight year period) (minute 16.3 15/16 refers). The consultancy costs amounted to c£1m over the same period although it should be noted that these costs were high due to changes in circumstances as the plan progressed. The costs of the Planning Inspectorate are set by Regulation. The examination of the Core Strategy, which ended in November 2015, cost £111k.

### 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	Unlikely (2)	Significant (2)	Moderate (4)	Maintain effect project management through the LDF Project Board

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
planning documents and the timely preparation of a sound Local Plan.				

Background Papers:

None

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Appendix A: Revised Local Development Scheme