

CABINET - 12TH MARCH 2020

Report of the Head of Planning and Regeneration Lead Member: Councillor Jonathan Morgan

Part A

ITEM 9 CHARNWOOD LOCAL DEVELOPMENT SCHEME 2020

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 on 1st April 2020;
3. That authority is delegated to the Head of Planning and Regeneration in consultation with the Lead Cabinet Member for Planning, Inward Investment and Tourism 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 2019 following Cabinet approval in March 2019 (minute 100 18/19 refers).

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.

The form and content of local plans are shaped by the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) 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 to 31st March 2023 and would come into effect on 1st April 2020. The programme responds to the strategic planning matters for Leicester and Leicestershire and allows for local development need and supply factors to be considered over an appropriate timescale. The programme is necessary to set out the next stages in the preparation of local planning policy for Charnwood.

Development Plan Documents must be based on credible and robust evidence if they are to be found 'sound' by the Planning Inspectorate. The revised LDS includes a programme that focuses on the preparation of a Local Plan for Charnwood in this context. The LDS also signals the intention to prepare a Supplementary Planning Document to help guide the Council's policies on developer contributions.

Report Implications

The following implications have been identified for this report.

Financial Implications

Provision has been made for £185k in the budget for 2020/21 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 planning documents and the timely preparation of a sound Local Plan.	Unlikely (2)	Significant (2)	Low (4)	Maintain effect project management through the LDF Project Board

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 a number of times 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 Core Strategy to prepare a further supplementary planning document. 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 to respond to the Leicester and Leicestershire Strategic Growth Plan and the government's priority to significantly boost housing delivery.
5. Consultation on the Draft Charnwood Local Plan took place in November and December 2019. The long term programme proposed for the preparation of the new Local Plan is:
 - Pre-submission Consultation – October 2020
 - Submission – January 2021
 - Inspector's report published – December 2021
 - Adoption of Local Plan – January 2022
6. This programme has been amended since the publication of the 2019 LDS to take account of delay in undertaking consultation on the Draft Local Plan due to 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.
7. 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.
8. The later stages of the programme have also been amended to reflect 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

likely it will take 16 months to progress a plan from pre-submission consultation to adoption and the previous LDS programmed 10 months.

9. 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.

Supplementary Planning Documents (SPD)

10. The LDS proposes a Supplementary Planning Document on Planning Obligations that will be worked on in the three-year period to provide guidance on the interpretation and use of Core Strategy Policy CS24: Infrastructure and Delivery.
11. The Council expects to complete the Planning Obligations SPD within the three-year programme of this Local Development Scheme. The individual programme for the SPD will be prepared and managed to allow the timely preparation of the Charnwood Local Plan.

Appendices

Appendix: Charnwood Local Development Framework Local Development Scheme – April 2020 to March 2023

CHARWOOD LOCAL PLAN
LOCAL DEVELOPMENT SCHEME

APRIL 2020 TO MARCH 2023

APRIL 2020

Contents

1. Introduction.....	1
2. Local Plans.....	1
3. Programme of work for 2020-2023.....	2
Local Plan.....	2
Supplementary Planning Documents.....	3
Neighbourhood Development Plans.....	4
4. Project Management and Resources.....	4
5. Risk Assessment.....	5
6. Programme Chart.....	7
APPENDICES	
Appendix A: Charnwood Local Plan and Supporting Documents:.....	8
Appendix B: Local Plan Profile.....	9
Appendix C: Glossary of Terms.....	11

1. Introduction

- 1.1. The Charnwood Local Development Scheme sets out the Council's programme for preparing the Charnwood Local Plan.
- 1.2. Local plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. They set the development strategy and policies for delivering the vision of the area. Having an up to date local plan is important because applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this respect, local plans provide clarity for development proposals and a degree of predictability for the community.
- 1.3. Charnwood Borough Council is committed to maintaining an up to date local plan in accordance with National Planning Policy Framework. The programme set out in this Local Development Scheme covers the period 2020 to 2023. It identifies the stages the local plan will go through and the timetable for key activity.

2. Local Plans

- 2.1. The adopted Charnwood Local Plan is made up of the Core Strategy (2015) and the detailed 'saved' policies from the Borough of Charnwood Local Plan (2004). The Core Strategy sets the strategic planning framework for Charnwood for the period 2011-2028.
- 2.2. Whilst the proposals in the Core Strategy provide for the period up to 2028, and a number of the strategic growth sites contained within it will continue beyond 2028, the Council has a duty to maintain an up to date local plan. As a consequence, the Council is preparing a single Charnwood Local Plan document to extend the Core Strategy to 2036 and to replace the remaining 'saved' policies from the Borough of Charnwood Local Plan.
- 2.3. The Core Strategy also signals our intent to prepare Supplementary Planning Documents to provide guidance on how policies should be interpreted and a number of these are included in this programme.
- 2.4. Progress made on the Charnwood Local Plan is published each year in the Council's Annual Monitoring Report. The Annual Monitoring Report for 2020 will provide details on the Council's work towards the programme set out in this Local Development Scheme.
- 2.5. The planning system uses a raft of technical names for different documents and the status they enjoy. Although every attempt has been made to avoid technical terminology there are occasions where names which have a legislative meaning are used. Where this is the case a glossary of terms is provided at Appendix C to assist the reader. The relationship between different documents is shown in Appendix A.

3. Programme of work for 2020-2023

Local Plan

- 3.1 The Council's priority within the three year period is to prepare and submit a new Local Plan and see it examined by the Secretary of State.
- 3.2 The Local Plan will build on the strategy contained within the Core Strategy, setting out the strategic and detailed policies to deliver the Council's vision for Charnwood up to 2036. It will take account of the commitments for housing, employment and other developments across Charnwood, including the existing strategic allocations for Sustainable Urban Extensions and the Loughborough Science and Enterprise Park. It will identify and allocate further sites in the borough needed to meet the needs of the community, including specific sites for development, and designations that reflect special character or that require protection. It will also set out specific policies and criteria against which planning applications for the development and use of land and buildings will be considered. The Local Plan will include a policies map for the whole Borough.
- 3.3 Full details of the Local Plan and its milestones are set out at Appendix B. The Local Plan has been prepared to respond to the Leicester and Leicestershire Strategic Growth Plan which has been approved by all ten partner organisations. The Growth Plan was approved by this Council at the Council meeting on 5th November 2018. Consultation was undertaken on the scope of the new Local Plan in 2016 (in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In April 2018 an informal consultation was undertaken on the issues and options available for the new plan; titled 'Towards a Local Plan for Charnwood'. A Draft Local Plan was then prepared and consulted upon in November 2019 and is available to view here: https://www.charnwood.gov.uk/local_plan_review. The next stage in the preparation of the Local Plan will be the preparation of a Pre-submission Local Plan for further consultation prior to submission. The long term programme for the preparation of the Local Plan is:
- Draft Local Plan – October 2019
 - Pre-submission consultation – October 2020
 - Submission to the Secretary of State – January 2021
 - Inspector's Report published – December 2021
 - Adoption – January 2022

Leicester and Leicestershire Strategic Growth Plan

- 3.4 Charnwood is part of the wider housing market for Leicester and Leicestershire and all of the Councils in this area work together to understand the need for homes and jobs and how to plan for them through their local plans in a coordinated way. A Strategic Growth Plan has been prepared which sets out the amount of homes and jobs needed and the agreement on their distribution across Leicester and Leicestershire between 2011 and 2050. A Strategic Growth Statement was published in Summer 2016 and a draft plan was the subject of consultation in Spring 2018. Following consultations with residents, businesses, organisations and other key

stakeholders the plan was approved by all Councils at a series of meetings held during November and December 2018.

- 3.5 The relationship between the Charnwood Local Plan and the Strategic Growth Plan is an important one, as the local plan takes its lead from the Growth Plan's broader strategy and the numbers of homes and jobs required in Charnwood. The development strategy for Charnwood is a key component of the local plan and can only be identified and tested now the Strategic Growth Plan has been approved. The Council will continue to be heavily engaged in this strategic work during the period covered by this Local Development Scheme, including a Statement of Common Ground, which is currently being prepared with the other authorities in the HMA and the programme for the Charnwood Local Plan reflects this. The relationship between the Charnwood Local Plan and the Strategic Growth Plan is recognised in the risk assessment in Section 5.

Supplementary Planning Documents

- 3.6 Supplementary Planning Documents provide guidance on how existing planning policy should be used and interpreted when developing proposals and taking decisions on planning applications. The Core Strategy identified a need for three Supplementary Planning Documents and the first of these, a Housing SPD was adopted in May 2017. The second, a Design SPD was recently adopted in January 2020. The remaining SPD is to provide guidance on:

- **Planning Obligations:** to provide guidance on the interpretation and use of Core Strategy Policy CS24: Infrastructure and Delivery

- 3.7 The Council expects to significantly advance the Planning Obligations SPD within the three year programme of this Local Development Scheme.

Community Infrastructure Levy (CIL)

- 3.8 The Council has previously explored the potential for introducing a Community Infrastructure Levy charging schedule and infrastructure list. The Community Infrastructure Levy is a charge that local authorities can levy on most types of new development in their areas based on the size, type and location of the development proposed. The funding secured can be used towards delivery of infrastructure set out on the infrastructure list. However, the Council's major growth proposals set out in the existing Core Strategy are supported by individual Section 106 legal agreements to secure the infrastructure necessary to mitigate their impacts. As a result, the benefits of a CIL Charging Schedule are much reduced. The Council will consider whether CIL is necessary to deliver the proposals set out in the new Local Plan, but substantive work is not programmed within the three year programme set out in this Local Development Scheme.

Statement of Community Involvement

- 3.9 A Statement of Community Involvement (SCI) sets out how a Council intends to consult and involve the community in the preparation and review of local development documents and in development management decisions. The

Charnwood Statement of Community Involvement was published in January 2014. The Council will consider whether to review the SCI within the three year programme set out in this Local Development Scheme.

Neighbourhood Development Plans

- 3.9 The Localism Act makes provisions for Neighbourhood Development Plans to be prepared. More commonly referred to simply as Neighbourhood Plans, they are a community-led document initiated through a Parish/Town Council or Neighbourhood Forum and ultimately adopted by the Council as part of the development plan.
- 3.10 A number of parishes have or are in the process of producing Neighbourhood Plans. The Council provides support to Neighbourhood Forums to help them prepare these plans and will work with Town and Parish Councils and other designated groups to accommodate this work within the existing and emerging policy framework. This Local Development Scheme does not prescribe a timetable for those documents as they are community led by the appropriate Neighbourhood Forum and not Charnwood Borough Council. However, within the three year period covered by this Local Development Scheme significant work is anticipated for at least six Neighbourhood Plans for Anstey, Queniborough, Rearsby, Rothley, Woodhouse and The Wolds Villages. These plans have the potential to join the Neighbourhood Plans for Thurcaston and Cropston, Barrow upon Soar, Quorn, Sileby and Thrussington as being 'made' by the Council and forming part of the development plan for the relevant parish area.

4. Project Management and Resources

- 4.1. The Local Plan is managed day to day by the Group Leader of the Plans, Policy and Place Making Group under the direction of the Head of Planning and Regeneration. The Local Development Framework Project Board (LDF Board) provides oversight and is made up of the Chief Executive, the Strategic Director for Housing, Planning & Regeneration and Regulatory Services, the Lead Cabinet Member for Planning, Inward Investment and Tourism and the Leader of the Council.
- 4.2. The Planning Policy Team provides the bulk of the Council's resource to progress the Local Plan but specialist expertise is drawn from across the Plans, Policies and Place-making Group and elsewhere across the Service when required. The close relationship between the Local Plan and the Council's corporate priorities allows additional support to be drawn from across the Council on specific corporate activities.
- 4.3. Budgetary provision is sought on an annual basis based on the Service Delivery Plan and Local Development Scheme programme. Specific costs relating to the submission of documents and the Examination process are identified in the Council's Medium Term Financial Plan.
- 4.4. The challenge of delivering growth is recognised. The Council is delivering the Local Development Scheme in a project managed environment, supported by appropriate resources.

5. Risk Assessment

- 5.1. An assessment has been carried out of the factors that could affect the ability of the council to deliver the Local Plan in accordance with the indicated programme. Actions to manage these risks have been identified.

Risk Identified	Likelihood/Impact	Management Action
Programme slippage	<p>Medium/Medium</p> <p>The Council is expected to meet the milestones in the Local Development Scheme. Failure to deliver against the key milestones will be damaging to the reputation of the local planning authority and the absence of up to date planning policies will hamper the realisation of the Council's vision and lead to unplanned developments in the Borough. The deadlines for preparing the Local Plan are very challenging given the emphasis on community engagement and the potential for development industry interest.</p>	<p>The Local Development Framework Project Board will carefully monitor progress and give priority to achieving the key milestones set out in the Local Development Scheme.</p>
Staff resources	<p>Low/High</p> <p>The Planning Policy Team currently has a stable and experienced staff resource. However, staff changes will impact on the production of the local plan.</p>	<p>Ensure that sufficient staff resources with the necessary experience and expertise are available for the production of the local plan, supplementary planning documents and manage competing work priorities, utilising agency resources as required</p>
Financial resources	<p>Low/High</p> <p>Sufficient financial resources are required to prepare the local plan and supplementary planning documents including for consultancy support, consultation and the examination process.</p>	<p>Ensure the Local Development Scheme informs the council's Medium Term Financial plan.</p>
Competing work priorities	<p>High/Medium</p> <p>The Planning and Regeneration Service is involved in a wide range of spatial policy work. Work to implement the Core Strategy, engage and support the Strategic</p>	<p>The high priority of the Local Plan is recognised and at certain times other work will have to take a much lower priority. Where this is not possible</p>

Risk Identified	Likelihood/Impact	Management Action
	Growth Plan, Neighbourhood Plans and any major unplanned developments will weigh heavily on staff resources especially with respect to appeals.	consideration is given to outsourcing work to other local planning authorities or consultants.
Level of public interest cause delays	Medium/High Public interest in the Local Plan has been high during previous consultations	Resources are drawn from across the Planning and Regeneration Service at appropriate times to ensure representations are dealt with.
Lack of capacity of statutory agencies to respond and/or engage	Low/High Decisions taken nationally to change the resources of statutory agencies, and their capacity to manage local plan consultations and other work, may cause delays to the programme	The Local Development Scheme provides forward notice of the council's Local Plan programme. Maintain contact with key agencies to minimise prospect of slippage
Change in national policy/legislation	Medium/High Changes to the statutory process or new substantive policy which affects the content and direction of local policy preparation and decisions may cause delays to the programme.	The Council will carefully monitor new policy and legislation and give priority to managing any impacts on the key milestones set out in the Local Development Scheme
Slippage in strategic evidence/planning or Duty to Cooperate Matters	Medium/High Strategic evidence for homes, jobs and transport will help define the relationship between Charnwood and the wider housing market area and the role of the Charnwood Local Plan. Any delays to this strategic work may cause Duty to Cooperate issues and cause delays to the programme.	The Council will be represented in this strategic work and will carefully monitor and give priority to managing any impacts on the key milestones set out in the Local Development Scheme. A Statement of Common Ground is currently being prepared with the other authorities in the HMA.

Appendix A: Charnwood Local Plan and Supporting Documents



Appendix B: Local Plan Profile

Overview	
Title	Charnwood Local Plan
Role and content	<p>Sets out the strategic policies to deliver the Council's vision for Charnwood up to 2036 within the strategic framework set by the Strategic Growth Plan 2011 - 2050</p> <p>Addresses the spatial implications of strategies prepared by other key bodies including the Strategic Growth Plan for Leicester and Leicestershire to be prepared jointly by the local authorities for the area.</p> <p>Identifies land use sites needed to meet development needs to 2036.</p> <p>Sets out specific criteria against which planning applications will be considered.</p> <p>Provides land use designations for the protection and management of natural resources.</p> <p>Includes a proposals map on ordnance survey base to identify specific policies and proposals for development or use of land.</p>
Coverage	Borough wide
Status	Development Plan Document
Chain of Conformity	In accordance with legislation, case law and national planning policies.

Timetable	
Start	April 2016
Scoping and Issues (Regulation 18)	July/August 2016
Draft plan consultation	November 2019
Publication (Pre-Submission Consultation) (Regulation 27)	October 2020
Submission (Regulation 30)	January 2021
Examination hearings	Summer 2021
Adoption and publication of the DPD	January 2022

Management arrangements	
Organisational Lead	Head of Planning and Regeneration Services
Lead Officer	Group Leader Plans, Policies and Place-making
Management Arrangements	LDF Project Board; Cabinet and Full Council; Growth Advisory Group

Resources required	Charnwood Senior & Core Management Team; Planning and Regeneration Service; Housing Service; Neighbourhood Services; Open Space and Waste Service; Leisure and Culture Service; Finance and Property Services; Strategic Support Service; Leicestershire County Council including Highway Authority and Education Authority; Leicester City Council including Highway Authority and Education Authority.
Community and Stakeholder involvement	Parish and Town Councils, partner organisations, and others as identified in the Regulations and the Statement of Community Involvement.
Monitoring and review	Annual Monitoring Report

Appendix C: Glossary of Terms

Annual Monitoring Report (AMR)	An annual document that reports the progress made on plan preparation compared to the Local Development Scheme and the delivery of local plan policies including housing and employment delivery.
Core Strategy	A statutory planning document setting out the spatial vision and strategy for the Borough including key policies, proposals and strategic allocations to deliver the vision.
Development Plan Document (DPD)	Statutory documents prepared by the local planning authority with rigorous community involvement and consultation. They are subject to an examination in public by an independent Planning Inspector appointed by the Secretary of State.
Development Plan	Any adopted Development Plan Documents make up the Development Plan. Under the Planning Acts the Development Plan is the primary consideration in deciding planning applications.
Local Development Framework (LDF)	A binder of documents that provide the planning policies for the area.
Local Development Scheme (LDS)	A document that outlines the Council's three year programme for preparing the Local Development Framework.
Local Plan	The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the local plan. The term includes old policies which have been saved under the 2004 Act.
Neighbourhood Development Plan	The Regulatory title for a planning document which may be initiated and prepared by Parish and Town Councils or Neighbourhood Forums. Following robust consultation, independent examination and a local referendum they

	become 'made' (essentially adopted) by the Council as part of the statutory development plan. They are generally referred to as Neighbourhood Plans and must be prepared in general conformity with the Local Plan.
Spatial planning	A more comprehensive approach to town planning than simple 'land-use' planning, it coordinates the development and use of land with other policies and programmes to benefit places and how they function.
Statement of Community Involvement (SCI)	A document outlining the approach of the authority to involving the community in preparing planning policy and considering significant planning applications.
Strategic Growth Plan	A non-statutory planning document that sets out the spatial planning framework for Leicester and Leicestershire.
Supplementary Planning Documents (SPD)	Documents that provide guidance on how to use and interpret planning policies when developing proposals or taking decisions.
Sustainability Appraisal (SA)	An appraisal of the social, economic and environmental implications of a strategy, policies and proposals. Will ensure that proposals contribute to the achievement of sustainable development.
Sustainable development	Meeting our own needs without prejudicing the ability of future generations to meet their needs.