

**POLICY AND RESOURCES COMMITTEE - 7 OCTOBER 2019**

**COUNCIL – 22 OCTOBER 2019**

**PART I – NOT DELEGATED**

**5. LOCAL DEVELOPMENT SCHEME  
(DCES)**

**1 Summary**

1.1 This report seeks Member's approval of a revised Local Development Scheme.

**2 Details**

2.1 The Council is required to prepare and regularly review a Local Development Scheme (LDS) under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

2.2 The LDS must specify the documents which will comprise the development plan for the area. The LDS must be made available publicly and kept up to date to ensure that local communities and interested parties can keep track of progress. Local planning authorities must also publish the LDS on their websites.<sup>1</sup>

2.3 Planning Practice Guidance re-iterates that Local Development Schemes must also be produced in compliance with any data standard for this purpose published by MHCLG and that it is expected to be reviewed and updated at least annually but may need updating more frequently if there are any significant changes in the timescales or the plans being prepared.

2.4 The Planning Inspectorate maintains and publishes a list of the overall position for each Local Planning Authority and this is updated every quarter and is informed by the Local Development Schemes. The Planning Inspectorate's current report<sup>2</sup> reflects the Local Development Scheme that was agreed by the Policy & Resources Committee in October 2018 with the expectation that the Three Rivers Local Plan will be submitted for independent examination in January 2020.

2.5 Local Planning Authorities are required to keep the Planning Inspectorate informed about when their plans are to be published, submitted and adopted in order to ensure there are no delays in appointing an Inspector which would delay the examination process.

2.6 Failure to have an up-to date LDS may result in the Planning Inspector concluding that planning documents are not legally compliant.

2.7 This report seeks approval for the new Local Development Scheme for the Council which will move the current programme forward to 2021 to enable further technical work to be undertaken to ensure that the Local Plan is properly prepared.

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<sup>1</sup> Planning Practice Guidance <https://www.gov.uk/guidance/plan-making#evidence-base>

<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/828047/expected-plan-submissions-6-months.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/828047/expected-plan-submissions-6-months.pdf)

2.8 The revised LDS also includes reference to the Croxley Green Neighbourhood Plan which became part of the development plan for the area after a referendum in December 2018.

2.9 As set out in the Local Plan Update Report, there are a number of technical studies that need to be completed before recommendations or decisions can be made for the Local Plan.

2.10 As a result, the timescales for the production of the Local Plan have been reviewed to enable the initial further technical work to be undertaken and moves the current programme forward to 2021. Members should note that the Local Development Scheme may have to be reviewed further depending on the findings of the evidence based studies.

2.11 The revised Local Development is at Appendix 1 to this report.

### **3 Options and Reasons for Recommendations**

3.1 The Council is required to prepare and regularly review an LDS under the provisions of the Planning and Compulsory Act 2004 as amended by the Localism Act 2011. An up-to-date LDS is an essential tool for the Council to effectively manage document production and for monitoring to take place.

### **4 Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within the Council's agreed policy and budgets.

### **5 Financial, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre Implications**

5.1 None specific.

### **6 Legal Implications**

6.1 The Council is required to prepare and regularly review an LDS under the provisions of the Planning and Compulsory Act 2004 as amended by the Localism Act 2011

### **7 Equal Opportunities Implications**

7.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No
Did the relevance test conclude a full impact assessment was required?	N/A

### **7.2 Impact Assessment**

Not applicable.

### **8 Communications and Website Implications**

The LDS will be published on the Council's web site.

## 9 Risk and Health & Safety Implications

- 9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.
- 9.2 The subject of this report is covered by the Economic and Sustainable Development service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

<b>Nature of Risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response</b> <i>(tolerate, treat, terminate, transfer)</i>	<b>Risk Rating</b> <i>(combination of likelihood and impact)</i>
lack of an up-to-date LDS could lead to legal challenge	Local Plan could be found not to be 'sound' at examination	Regularly review the LDS		Medium 6

The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

<b>Very Likely</b> ----- <b>Likelihood</b> ----- <b>Remote</b>	<b>Low</b>	<b>High</b>	<b>Very High</b>	<b>Very High</b>
	4	8	12	16
	<b>Low</b>	<b>Medium</b>	<b>High</b>	<b>Very High</b>
	3	6	9	12
	<b>Low</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
2	4	6	8	
<b>Low</b>	<b>Low</b>	<b>Low</b>	<b>Low</b>	
1	2	3	4	
<b>Impact</b>				
<b>Low</b> -----> <b>Unacceptable</b>				

<b>Impact Score</b>	<b>Likelihood Score</b>
4 (Catastrophic)	4 (Very Likely (≥80%))
3 (Critical)	3 (Likely (21-79%))
2 (Significant)	2 (Unlikely (6-20%))
1 (Marginal)	1 (Remote (≤5%))

9.3 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

## **10 Recommendation**

That the Policy & Resources Committee recommend the Local Development Scheme as set out in Appendix 1.

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### **Background Papers**

National Planning Policy Framework (2019)

Planning Practice Guidance

Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011)

Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Local Development Scheme (October 2018)

### **APPENDICES / ATTACHMENTS**

Appendix 1: Local Development Scheme October 2019