

POLICY AND RESOURCES COMMITTEE - 2 NOVEMBER 2020

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.¹

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 the date of publication and adoption is based on information provided in Local Development Schemes.

2.5 The date of publication is when the LPA carries out its final public consultation on the plan before it is submitted for examination, under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. These lists, which set out the plans which are expected to be submitted for examination in the following 6 month period, are normally updated every month but has been put on hold because of COVID-19.

2.6 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.

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

2.8 This report seeks approval for the new Local Development Scheme for the Council which will move the current programme forward from June 2022 to May 2023 following discussions at the Local Plan Sub Committee on 20 October 2020.

2.9 The Local Development Scheme takes into consideration the existing Committee Timetable.

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

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, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health and Customer Services Centre implications.

- 5.1 None specific.

6 Legal Implications

- 7 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

8 Communications and Website Implications

- 8.1 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 & Sustainable Development service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <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	Tolerate	Medium 6
Delay in Local Plan	May result in speculative planning applications		Tolerate	Medium 6

9.3 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.

Very Likely ----- Likelihood ----- ▼ Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
Low	Low	Medium	High	
2	4	6	8	
Low	Low	Low	Low	
1	2	3	4	
	Impact			
	Low	-----▶		Unacceptable

Impact Score

- 4 (Catastrophic)
- 3 (Critical)
- 2 (Significant)
- 1 (Marginal)

Likelihood Score

- 4 (Very Likely (≥80%))
- 3 (Likely (21-79%))
- 2 (Unlikely (6-20%))
- 1 (Remote (≤5%))

9.4 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

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

Report prepared by: Claire May, Head of Planning Policy & Projects

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 (September 2020)

APPENDICES

Appendix 1: Local Development Scheme November 2020