

**POLICY AND RESOURCES COMMITTEE - 5 DECEMBER 2022**

**COUNCIL – 13 DECEMBER 2022**

**PART I – NOT DELEGATED**

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

**1 Summary**

- 1.1 This report seeks Members approval of a revised Local Development Scheme (LDS) to incorporate a Regulation 18 'Additional Sites for Potential Allocation' consultation in place of the previously agreed further Regulation 18 consultation. This change is being proposed so as to ensure the Local Plan remains on course for 2025 Adoption as currently set out in the Council's extant LDS (January 2022).

**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 DLUHC 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 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 It had been previously agreed by the Policy & Resources Committee and Full Council that the further Regulation 18 consultation would include updated Local Plan policies as well as any changes to existing sites proposed for allocation in the 2021 Regulation 18 document. Should this remain the approach it would result in delays to the Local Plan.

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

- 2.8 This report seeks approval for the new Local Development Scheme for the Council which incorporates a further Regulation 18 consultation that will allow residents and stakeholders to comment on the new sites submitted as part of the previous Regulation 18 Consultation (2021). This approach would allow for consultation in January/February with no expected effect on the remainder of the Local Plan timetable.
- 2.9 Updates to policies and sites can be incorporated into the Regulation 19 stage of the Local Plan and the corresponding consultation. There is no statutory requirement to consult on these again at Regulation 18 stage. Doing so would cause unnecessary delays to the Local Plan timetable.
- 2.10 The Local Development Scheme takes into consideration the time needed to report to the Local Plan Sub Committee and the current Committee Timetable.

### **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, 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 Communications and Website Implications**

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

### **8 Risk and Health & Safety Implications**

- 8.1 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.
- 8.2 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.

<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	Tolerate	Medium 6
Delay in Local Plan	May result in speculative planning applications		Tolerate	Medium 6

8.3 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.

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

#### Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

#### Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Marginal)

1 (Remote (≤5%))

- 8.4 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.

## **9 Recommendation**

- 9.1 That the Policy & Resources Committee recommend to Full Council the Local Development Scheme as set out in Appendix 1.
- 9.2 That the further Regulation 18 consultation be focussed on new sites submitted as a result of the 2021 Regulation 18 consultation.

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### **Background Papers**

National Planning Policy Framework (2021)

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 (January 2022)

### **APPENDICES**

Appendix 1: Local Development Scheme (December 2022)