

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Cabinet
17 March 2021

Report Title: Local Development Scheme

Submitted by: Executive Director Commercial Development and Economic Growth

Portfolios: Planning and Regeneration

Ward(s) affected: All

Purpose of the Report

To seek approval for the Local Development Scheme (LDS) for the Newcastle-under-Lyme Local Plan. The LDS is a project plan which sets out a timetable for key stages of development of a Local Plan.

Recommendation

That approval is given for the Local Development Scheme comprising the timetable for the production of the Local Plan and that approval is given for publication of LDS on the Councils website.

Reasons

To provide certainty for the public on the timeline of production of the Local Plan. In compliance with Section 15 of the Planning & Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) which requires each local planning authority to prepare and maintain a scheme known as their LDS.

1. Background

1.1 The Local Development Scheme (LDS) is a project plan which sets out what development plan documents are being produced by the Council and sets out the key development milestones for the production of the document/s over a 3 year period. The LDS must be made publicly available and kept up to date. A Local Development Scheme is required to be produced under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

1.2 The LDS must specify:

- Local development documents which are to be 'development plan documents' (i.e. Local Plan policies);
- The subject matter and geographical area to which each document is to relate;
- Which (if any) are to be prepared jointly with one or more other local planning authorities;
- Any matter or area in respect of which the authority has agreed (or proposes to agree) to the constitution of a joint committee;
- The timetable for the preparation and revision of the documents; and
- Such other matters as are prescribed.

- 1.3 This report presents a LDS for the Borough's Local Plan which covers the period 2021-2024. The proposed Local Development Scheme is attached as Appendix A. The LDS includes the Borough Local Plan as the single local development plan document to be produced and sets a timescale for its development. The major milestones for the production of the plan are set at the proposed points of public consultation:
- Issues and Strategic Options [Autumn 2021]
 - Publication Draft [Autumn 2022]
 - Submission (Final Plan) [Summer 2022]
- 1.4 If progress on plan making is delayed and is not in accordance with the published LDS, then the document must be revised. It is therefore important to make as accurate prediction on the key milestones for the Local Plan as possible at the beginning of the plan making process to provide certainty to the public and stakeholders on the estimated timeline, and to avoid having to revise the LDS, where possible. Progress on plan making activity can be kept up to date in an Authority's Monitoring Report.
- 1.5 It is considered that this is an ambitious but reasonable timescale provided the team is fully staffed and there are no unavoidable delays. It must be acknowledged that some aspects of plan making are dependent on the availability of other organisations, for example when seeking to hold Duty to Cooperate discussions or when undertaking informal consultation on evidence or specific proposals with statutory consultees.
- 1.6 Agreement of the LDS and Statement of Community Involvement (SCI) (see separate Cabinet report) will enable the authority to commence work on the new Borough Local Plan.

2. **Issues**

- 2.1 External factors which have had an impact on plan making in recent years include changes to national planning policy in 2018 and the unprecedented impact of the corona virus in 2020. Whilst we are still experiencing the impact of the pandemic, the majority of the evidence is able to be updated remotely and the Council and consultancy firms have greatly improved communications and ICT development to be able to work remotely. The new Local Plan will be created with an understanding of the impact of the pandemic 'factored in' when devising policies and proposals.
- 2.2 At present it is known that the government has intentions to amend the planning process and housing calculation method substantively as indicated by the consultation on the Planning White Paper which ended in October 2020. However, communications from the Ministry for Housing, Communities and Local Government (MHCLG) to Chief Planners have clarified that the government still strongly encourage local authorities to continue in the preparation and adoption of local plans. It will take some time for policy development after the receipt of the responses to the White Paper followed by the preparation and progress of any legislation required to implement the planning reforms. As part of the detailed design of the reforms a suitable transition period from approved to new local plans will be implemented. It is envisaged that the Boroughs Local Plan would be able to be produced utilising any transitional arrangements to complete the end stages, if required.
- 2.3 Whilst it is not possible to predict with absolute certainty the timescale for production of a Local Plan, this LDS presents an optimistic and reasonable timeline which will enable the Council to have an up to date Local Plan in place as soon as practicable. For this reason only the Local Plan is included in the LDS as it is anticipated that all available resources will be required to produce the Local Plan in this timeframe. This does not preclude the Council

from amending the LDS in future, particularly at the end stages of plan production, should there be a desire to produce further Local Development Documents or to any proposed Supplementary Planning Documents that the authority may consider beneficial to the implementation of proposed policies in the Local Plan.

3. **Proposal**

- 3.1 That Cabinet members consider the proposed timescale for production of the Borough's Local Plan and approve the attached Local Development Scheme for publication on the Borough Council's website.

4. **Reasons for Proposed Solution**

- 4.1 To provide certainty for the public on the timeline of production of the Local Plan. In compliance with Section 15 of the Planning & Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) which requires each local planning authority to prepare and maintain a scheme known as their LDS.

5. **Options Considered**

- 5.1 The authority could choose not to publish a new LDS although this is not considered a reasonable option. It should be noted that the government is monitoring all local authorities to ensure that their Local Plans are prepared in accordance with the published local development scheme. Failure to have an up-to-date Local Development scheme could therefore result in poor national monitoring outcomes with the consequential reputational damage.
- 5.2 The Authority could consider adding more documents to the Local Development Scheme such as Area Action Plans, a Community Infrastructure Levy or it could also report on Supplementary Planning Documents (SPD's) and Neighbourhood Plans (there is no requirement to report on the latter two in an LDS). In the instance that the Council does have additional priorities and further resources were provided for additional development plan documents to be produced, it would be advisable to wait until the Government clarifies the next stage of the Planning White Paper review to determine whether additional documents were likely to be relevant or necessary in future. This is particularly the case for implementing a Community Infrastructure Levy (CIL) as the government have consulted on significant changes to infrastructure funding through the Planning White Paper.
- 5.3 At this stage, it is not envisaged that any Supplementary Planning Documents (SPD's) will be required to assist implementation of policies in the new Local Plan but this assumption can be revisited at a later stage, once policies have been provisionally drafted at Preferred Options stage. The LDS could be revised accordingly at any time, should the Council decide to add any additional development plan documents to their local development framework. It is difficult to accurately report on the production of Neighbourhood Plans as these are produced by Parish Councils and Neighbourhood Forums and therefore the timescale is not under the Council's control. The Council will continue to assist Neighbourhood Plan groups to progress their plans to referendum.
- 5.4 The other factor for consideration in terms of adding additional development plan documents to the LDS which require Examination is the ability of the Planning Inspectorate (PINS) to examine development plan documents which are all being progressed with the aim of avoiding government intervention after year 2023. In the event of insufficient capacity, it is likely PINS will prioritise Local Plan examinations above others such as Community Infrastructure Levy documents due to the significant implications for authorities

without an up to date development plan in place. This point is not relevant to SPD's as they are not subject to external Examination.

- 5.5 The Authority could also consider extending the timetable for production of the Local Plan. This would likely have adverse financial considerations and increase risks associated with production of the plan (considered later in this report). Additionally it would risk intervention from MHCLG if the Council were not to have an up-to-date plan in place by year 2024. It is therefore not recommended to extend the LDS timetable.

6. **Legal and Statutory Implications**

- 6.1 It is a statutory duty to produce a development plan. Section 19(1B) - (1E) of the Planning and Compulsory Purchase Act 2004 sets out that each local planning authority must identify their strategic priorities and have policies to address these in their development plan documents.
- 6.2 The Borough Council are required to produce the LDS to specify (among other matters) the development plan documents (i.e. local plans) which, when prepared, will comprise part of the development plan for the area. The relevant legislation is detailed in Section 15 of the Planning & Compulsory Purchase Act 2004 (as amended). Local Development Schemes must also be produced in compliance with any data standard for this purpose published by MHCLG.

7. **Equality Impact Assessment**

- 7.1 The LDS is not considered to have any impact on equality.

8. **Financial and Resource Implications**

- 8.1 This report and LDS have no direct financial and resource implications. However, indirectly it sets out the timescale for production of the Local Plan, which must be adequately resourced to meet the project timescale set in the LDS.
- 8.2 In order to meet the key milestones of the LDS, an appropriate budget is required for resourcing the production of the development plan which will be reviewed on an annual basis. The indicative staff resourcing and cost for production of the plan was set out in the Local Plan Update Cabinet Report 9 December 2020, an extract of which is provided below:
- 8.3 Following consideration of the structure of the team, it is proposed the following structure being adopted

Role	Percentage of officer time dedicated to the development plan
Team Leader	70%
Principal Planning Officer	80%
Senior Planner	80%
Planner x2	100%
Support worker	80%

- 8.4 Whilst production of the Local Plan could be projected to be slower with a smaller team, this increases the risk of external factors preventing completion or adoption of the Local Plan, particularly a timescale that could, in theory, go beyond the transitional period for changes made to the planning system at national level. This could have an adverse financial

implication as staff time and additional financing may be required to amend or restart the plan to make it compliant with any changes at national level. Additionally the evidence base dates quickly (most key evidence is only considered up to date for a 2 year period). Producing the Plan as soon as practicable minimises the need to update the evidence base therefore reducing costs.

9. **Major Risks**

- 9.1 The major risks which are within the Councils control are failure to recruit or retain staff to enable the production of the Local Plan to meet the LDS timescale. At the point of writing the Council is still in the process of recruitment for the Planning Policy Team. The LDS is based on the assumption that staff are in place to undertake work on the Local Plan. An officer with responsibility for the programme will be sought to oversee the project planning elements which will help to minimise risk in terms of the programme but can also identify and communicate the impact of any potential staff shortages. An emergency budget or reserve fund may require consideration for agency staff, if necessary to reach the key milestones
- 9.2 The other major risk as described earlier in the report is the anticipated changes to the planning system at national level and the speed at which these are implemented. However the government are encouraging Local Authorities to continue to produce plans under the current system so there is no directive to pause plan making.
- 9.3 A major risk is the potential for strategic cross boundary issues arising from this Plan, or plans being produced in neighbouring authority areas. There is no duty to agree but there is a duty to cooperate and therefore the availability of other parties to hold discussions or to sign formal Statement of Common Grounds at key points in the plan process is critical. Forward planning regular liaison meetings helps to minimise, but does not eliminate the risk. In addition to need to work with statutory consultees on key evidence or proposals reduces some control the authority has on the timetable. Such correspondence, meetings and discussions does however help to reduce the risk of objections to the Local Plan at consultation and amendments to the LDS is a smaller risk than a statutory consultee raising an issue of soundness at Examination, the end stage of the process.
- 9.4 There is no risk to producing the LDS itself. This document can be revised at any point and agreed at a subsequent Cabinet meeting. It should be noted that government will use the LDS to determine how effective the Council has been at producing the Local Plan, should timescales slip drastically.

10. **UN Sustainable Development Goals (UNSDG)**

- 10.1 The SCI underpins the Local Plan process. The Local Plan will have significant impacts on the built and natural environment in the borough and all those who interact with it. As such, the development of a local plan supports the following UNSDG objectives:-



11. **Key Decision Information**

11.1 This is not a key decision though the LDS is an essential part of delivering a sound Borough Local Plan which in itself prescribes policies and site allocations affecting the whole borough and the manner in which we operate with our neighbouring Councils and key partners e.g. the LEP.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None

13. **List of Appendices**

13.1 Appendix A: Local Development Scheme (LDS)

14. **Background Papers**

14.1 None