

## Report to Cabinet

24 September 2020

By the Cabinet Member for Planning and Development

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### Local Development Scheme – January 2020 – December 2022

## Executive Summary

Every Local Planning Authority is required to prepare and maintain a document known as a Local Development Scheme (LDS). This document sets out the timetable for the preparation of planning documents such as the Local Plan.

Due to the Covid-19 Pandemic the current Local Development Scheme for Horsham District requires updating. This report sets out the revised LDS for approval and subsequent publication.

## Recommendations

That the Cabinet is recommended:

- i) To approve the publication of the attached Local Development Scheme January 2020 – December 2022.

## Reasons for Recommendations

- i) To ensure that the Council acts in accordance with the requirements of the Planning & Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

## Background Papers

Local Development Scheme 2020 -2022

**Wards affected:** All.

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## **Background Information**

### **1 Introduction and Background**

- 1.1 The Planning & Compulsory Planning Act 2004, as amended by the Localism Act 2011, requires each local planning authority to prepare and maintain a document setting out the programme for the preparation of planning documents. This is known as the Local Development Scheme (LDS).
- 1.2 The LDS is a three-year project plan for preparing planning documents but it is not a policy document itself. It provides a starting point for the local community and stakeholders to find out what planning documents are being prepared by the Council and the timetable for when these documents will be produced. In particular, it sets out the timetable for the review and update of the Council's Local Plan and outlines the dates when there will be formal opportunities to get involved with the plan making process.
- 1.3 Following a review of the current LDS, in light of the impacts arising from the Covid-19 pandemic, the existing LDS for Horsham District requires updating to set out the updated timescales for the preparation of the Horsham District Local Plan.

### **2 Relevant Council policy**

- 2.1 Horsham District Council adopted the Horsham District Planning Framework (HDPF) in November 2015. Outside the South Downs National Park, this document is the main development plan document for the district. It contains a number of different planning policies that identify where new development should be located and how planning applications will be considered. It is a statutory requirement that Local Plans are reviewed at least every five years.
- 2.2 In addition to the HDPF a number of parishes in Horsham District have or are in the process of preparing Neighbourhood Development Plans for their local area. Once 'Made', Neighbourhood Plans also form part of the Development Plan and are also used to help determine planning applications.
- 2.3 As has been indicated in the introduction to this report, the Planning & Compulsory Purchase Act 2004 (PCPA) (as amended by the Localism Act 2011) requires each local planning authority to prepare and maintain a scheme known as their LDS.
- 2.4 The Covid-19 pandemic was an unforeseen event. The move to online working in the early stages of Lockdown affected the ability of a number of organisations (including the NHS) to feed into the Local Plan process, which has led to a delay in the previously identified timetable for plan preparation. The Council's Local Development Scheme has therefore been reviewed and updated to set out the formal timetable for the production of the Local Plan and also to provide information on the neighbourhood planning process.

### **3 Details**

- 3.1 The Local Development Scheme has been prepared to cover the period between January 2020 and December 2022. The full documentation is attached as Appendix A to this document. The appendices of the LDS also seek to identify in more general terms, what future work is proposed by the Council, beyond the next three years. It should however be noted that there are considerable uncertainties around the Council's Planning Policy timetable beyond the completion of the current Local Plan. This is as a result of the publication by Government of the White Paper 'Planning for our Future'. If progressed these changes will lead to significant changes to the planning system in England.
- 3.2 The Local Development Scheme focus is on the timetable for the production of the Horsham District Local Plan. This document will set the overarching policies for the District, including employment allocations, housing numbers and strategic sites, as well as including some site allocations. It will replace the Horsham District Planning Framework (2015). The timetable shows that regulation 18 consultation took place in February and March 2020 and envisages that Regulation 19 consultation will commence in January 2021.
- 3.3 The revised timetable assumes that restrictions associated with COVID-19 have eased sufficiently to allow the Council to conduct appropriate engagement on the Plan as currently intended. The Council will monitor the situation closely over the coming weeks and months and take necessary action, including putting in place appropriate measures to ensure public participation during forthcoming consultations and access to Council officers and documentation. The Council's approach to consultation in the event of a further national or Local Lockdown has been reviewed and is set out in the revised Statement of Community Involvement.
- 3.4 The LDS does not have to include details of any proposed Supplementary Planning Documents (SPDs), but for completeness, the draft Local Development Scheme does include a list of adopted SPDs. The review of the Community Infrastructure Levy Charging Schedule is also outlined in the documentation and it is currently proposed it will follow the production of the Local Plan. Again, the changes proposed in the Government White Paper mean there are considerable uncertainties in relation to this timetable.
- 3.5 Subject to the Local Development Scheme being agreed for publication, the Local Development Scheme will be monitored by officers and the progress towards the production of the Local Plan will be published as part in the Council's Authority Monitoring Report. This is published in December each year. The reporting of progress against the Local Development Scheme is also a legal requirement of the Planning & Compulsory Purchase Act 2004 (PCPA) (as amended by the Localism Act 2011).

## **4 Next Steps**

- 4.1 Subject to the resolution of Cabinet to publish the Local Development Scheme, it is proposed that the documentation will be made available on the Council's website. This timetable will also be communicated to key stakeholders including local parishes and neighbourhood councils.

## **5 Views of the Policy Development Advisory Group and Outcome of Consultations**

- 5.1 Consultation has taken place with the Councils Monitoring Officer, the head of Legal, the Head of Human resources and Organisational development and the Director of Corporate Resources. Their comments have been incorporated into this report.
- 5.2 The draft local development scheme has been reported to the Planning and Development **Policy Development Advisory Group** at the meeting on 14 September 2020. They have advised the Cabinet Member that they are content with the proposed timescales set out in this document.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 An alternative course of action would be not update or publish the Local Development Scheme. As has been indicated in this report, the production of the LDS is a legal requirement and were this course of action to be pursued the Council would not be in line with the regulations. 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.

## **7 Resource Consequences**

- 7.1 The production of the documents in the LDS will continue to be prepared by staff in the Strategic Planning team. It should be recognised that this work will may require additional specialist input and advice from consultants. The budget for the preparation of the Local Plan will continue to annually as part of the Council's budget setting process.

## **8 Legal Consequences**

- 8.1 The preparation of a Local Development Scheme and Local Plan are statutory requirements of the Planning & Compulsory Planning Act 2004(as amended by the Localism Act 2011) and Town and Country Planning (Local Planning) (England) Regulations 2012 . The Local Development Scheme demonstrates how the council is progressing its Local Plan to adoption. There is a duty to ensure that the Local Development Scheme is maintained as an up to date document. Failure to produce and update this scheme would result in a failure to meet the Council's legal obligations.

## **9 Risk Assessment**

- 9.1 There are no direct risks associated with the publication of the Local Development Scheme in itself. However, the Local Development Scheme documentation identifies a number of key risks associated with the plan preparation process. This includes the need to ensure sufficient resourcing of the plan preparation process, the need for timely decision making and other external factors such as legal delays by the Planning Inspectorate as part of the Local Plan Examination process. The impact of the Covid-19 Pandemic has also been identified as an additional risk. A range of measures is being put in place to minimise these risks and enable the preparation of the Local Plan to take place in accordance with the identified timescales. Monitoring of these risks is ongoing.

## **10 Other Considerations**

- 10.1 The publication of the Local Development Scheme will have no specific impacts on Crime & Disorder; Human Rights; Equality & Diversity and Sustainability. Any direct impacts on these issues which might arise through the preparation of the Local Plan will be documented separately through specific assessment processes including the Sustainability Appraisal which will be carried out as part of the plan preparation process.