

## Report to Cabinet

25<sup>th</sup> March 2021

By the Cabinet Member for Planning and Development

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### **Local Development Scheme: January 2021 – December 2023**

#### **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.

The current Local Development Scheme for Horsham District requires updating to reflect the latest guidance and requirements on plan making. 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 2021 – December 2023.

#### **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

**Contact:** Catherine Howe – Head of Strategic Planning extension 5505

## **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 The LDS was last updated in September 2020 to reflect the impact of the Covid-19 pandemic on the plan preparation process. Good progress has been made against this timetable. However, in order to accord with the legal Duty to Co-operate requirements, there is now an expectation that the outcome of work with statutory consultees such as Highways England and Natural England is broadly agreed before the publication of the Regulation 19 Local Plan. Whilst this work is ongoing, more time is needed to conclude these discussions before consultation can commence. This means that the timetable (LDS) for the Plan will have to change by a few weeks.

### **2 Relevant Council policy**

- 2.1 The preparation of a new Local Plan is a key priority in the Council's Corporate Plan. Once adopted, the policies within the Local Plan will contribute to the delivery of a number of the Council's corporate aims including the green agenda, with any new development being expected to deliver environmental enhancements including biodiversity net gain and carbon neutrality. The local plan policies will also contribute to economic growth and the delivery of new affordable homes.

### **3 Details**

- 3.1 The Local Development Scheme has been prepared to cover the period between January 2021 and December 2023. 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 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 be held in June / July 2021.
- 3.3 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 which was agreed at the Cabinet Meeting held on 24 September 2020. The Council will continue to monitor the situation 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.
- 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. It is currently proposed that 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 being agreed for publication, the Local Development Scheme will be monitored. Progress towards the production of the Local Plan will be published as part in the Council's Authority Monitoring Report, which 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 and Democratic Services, 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 its meeting on 8 March 2021. 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, not to update the Local Development Scheme has been considered. As set out 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 There are no direct financial consequences arising from the publication of the Local Development Scheme in itself. The production of the documents in the LDS, including the Local Plan will continue to be prepared by staff in the Strategic Planning team. From time to time this work will may require additional specialist input and advice from consultants. Although the recent delay to the local plan timetable has required additional consultancy support, this will be managed as part of the Council's budget setting process. The budget for the preparation of the Local Plan will continue to set and reviewed annually.

## **8 Legal Considerations and Implications**

- 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). 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 Procurement implications**

- 10.1 There are no direct procurement implications arising from the publication of the Local Development Scheme.

## **11. Equalities and Human Rights implications / Public Sector Equality Duty**

- 11.1 The publication of the Local Development Scheme will have no specific impacts on Equalities or Human Rights. 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.

## **12 Environmental Implications**

- 12.1 The publication of the Local Development Scheme will have no direct environmental implications. 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.

## **13 Other Considerations**

- 13.1 There are no direct impacts on matters such as GDPR/Data Protection; Crime & Disorder arising from the publication of the Local Development Scheme.