

Report to Cabinet

28 September 2023

By the Cabinet Member for Planning and Infrastructure

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Local Development Scheme: 2023 - 2026

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 current local plan timetable, as well as 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 to:

- i) Approve the adoption of the attached Local Development Scheme 2023 - 2026 covering the period September 2023 to July 2026
- ii) Approve that the Local Development Scheme 2023 - 2026 will have effect from 29 September 2023.

Reasons for Recommendations

- i) To ensure that the Council acts in accordance with statutory requirements to prepare and maintain a Local Development Scheme.

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 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 formally considered by the Cabinet in in July 2021. Since then, two external interventions have led to further delays in the preparation of the Local Plan.
- 1.4 The first relates to an update of national planning policy and a resultant legal risk to the Local Plan's soundness. On 20 July 2021, shortly following Cabinet's approval of a draft Regulation 19 Local Plan, the National Planning Policy Framework (NPPF) was reissued in revised form. A new requirement was included: that new local plans containing strategic site allocations must set out a '30 year vision' (that is, looking beyond the end of the plan period). Accordingly, it became apparent that the Local Plan would need amendments to ensure compliance with the revised NPPF. A necessary delay of several weeks was agreed to allow the Local Plan to be updated accordingly.
- 1.5 The second delay relates to habitat regulations and the issue of water neutrality. On 14 September 2021, the Council received a Position Statement from Natural England. Information collected by Natural England shows that water abstraction for drinking water supplies is having a negative impact on the wildlife sites in the Arun Valley. They have advised that any new development that takes place must not add to this negative impact. This means that by law, the Council must prepare a Local Plan that clearly shows that the plan will not have an adverse (or negative) effect on these important wildlife sites. A way of achieving this is to prepare a local plan that achieves water neutrality. The necessary and unprecedented work required to achieve this resulted in a further delay of over a year.
- 1.6 In total, there has been a delay to the Local Plan Regulation 19 of 31 months compared with the timetable set out in the LDS 2021-2023. It is therefore clearly necessary to revise the timetable (LDS) for the Horsham District Local Plan (HDLP).

2 Relevant Council policy

- 2.1 The preparation of a new Local Plan is a key Council priority. Once adopted, the policies within the Local Plan will contribute to the delivery of a number of the Council's corporate aims including the climate and biodiversity emergency, with any new development being expected to deliver environmental enhancements including biodiversity net gain and low carbon emission. 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 (LDS) has been prepared to cover the period spanning from September 2023 to July 2026. 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', and subsequent Levelling Up and Regeneration Bill. The Bill is progressing through Parliament and is expected to lead to significant changes to the planning system in England.
- 3.2 The LDS focus is on the timetable for the production of the Horsham District Local Plan (HDLP). 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 the Regulation 19 publication and period for representation will be in early in 2024.
- 3.3 The LDS does not have to include details of any proposed Supplementary Planning Documents (SPDs), but for completeness, the draft LDS includes a list of adopted SPDs. The review of the Community Infrastructure Levy (CIL) Charging Schedule is also outlined in the documentation. It is currently proposed that it will follow the main stages of production of the Local Plan. Again, changes proposed in the Levelling Up Bill, namely the introduction of a new Infrastructure Levy to replace the current CIL legislation, means there are uncertainties in relation to this timetable.
- 3.4 Subject to being agreed for publication, the LDS 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 LDS 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 The LDS, will be published and made available on the Council's website This timetable will also be communicated to key stakeholders including local parishes

and neighbourhood councils. The LDS will come into effect from 29th September 2023.

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

- 5.3 The draft LDS was reported to the Planning and Infrastructure Policy Development Advisory Group at its meeting on 12th September 2023. **Members of the Group advised the Cabinet Member that they are content with the proposed timescales set out in the draft LDS.**

6 Other Courses of Action Considered but Rejected

- 6.1 An alternative course of action, not to update the LDS 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 contravene the relevant statutory requirements. 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 LDS. Failure to have an up-to-date LDS 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 LDS 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 mitigation of the external circumstances influencing the Local Plan timetable has required additional consultancy support, this has and will continue to be managed as part of the Council's budget setting process. The budget for the preparation of the Local Plan will continue to be set and reviewed annually.

8 Legal Considerations and Implications

- 8.1 Local Planning Authorities must prepare and maintain a scheme to be known as their LDS.

- 8.2 The LDS must specify broadly:

- (i) the local development documents which are to be development plan documents;
- (ii) the subject matter and geographical area to which each development plan document is to relate;
- (iii) which develop plan documents are to be prepared jointly with other local planning authorities; and
- (iv) the timetable for preparation and revision of the development plan documents.

- 8.3 If a local planning authority fails to prepare an LDS, the secretary of state may do so and direct that the same is brought into effect.
- 8.4 To bring an LDS into effect, a local planning authority must resolve that the scheme is to have effect and specify the date from which the scheme is to have effect.
- 8.5 A local planning authority must:
- (i) revise an LDS as such time as they consider appropriate; and
 - (ii) make the following available to the public (a) the up-to-date text of the LDS, (b) a copy of any amendments made to the LDS, and, (c) up-to-date information showing the state of the authority's compliance (or non-compliance) with the timetable for the preparation and revision of the development plan documents.

9 Risk Assessment

- 9.1 There are no direct risks associated with the publication of the LDS in itself. However, there are some key risks associated with the plan's preparation and timely process. These include water neutrality, the advanced stage of the Levelling Up and Regeneration Bill, 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 albeit greatly reduced given the passing of peak pandemic conditions. 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 LDS.

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

- 11.1 The publication of the LDS will have no specific impacts on Equalities or Human Rights. Any direct impacts on issues which might arise through the preparation of the Local Plan will be documented separately through specific assessment processes in particular the Equalities Impact Assessment (EqIA) which is being undertaken as part of the plan preparation process.

12 Environmental Implications

- 12.1 The publication of the LDS will have no direct environmental implications. Any direct impacts on issues which might arise through the preparation of the Local Plan will be documented separately through specific assessment processes including the

Sustainability Appraisal and Habitat Regulations Assessment is being undertaken 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 LDS.