

HIGH PEAK BOROUGH COUNCIL

The Executive

11 August 2022

TITLE:	Local Development Scheme
EXECUTIVE COUNCILLOR:	Councillor Anthony McKeown - Council Leader HPBC
CONTACT OFFICER:	Mark James - Principal Planning Officer
WARDS INVOLVED:	All areas outside of the Peak District National Park

Appendices Attached – Draft Local Development Scheme 2022

1. Reason for the Report

- 1.1 To consider and agree the new Local Development Scheme that establishes the timetable for proposed planning policy documents, including the updated High Peak Local Plan and Developer Contributions Supplementary Planning Document.

2. Recommendation

- 2.1 That the Executive:
- a. notes the content of the proposed Local Development Scheme.
 - b. notes the continued role of Local Plan Steering Group
 - c. reviews via the Local Plan Steering Group the Statement of Community Involvement
- 2.2 That the Executive approves the Local Development Scheme so that it shall take effect from 1st September 2022 (subject to call in)

3. Executive Summary

- 3.1 Local planning authorities must prepare and keep up to date a Local Development Scheme to set out details of local development documents, including the timetable for their preparation, their status and scope. Following the decision made by the Executive on 23rd June to commence work on an update to the Local Plan, consideration has been given to the timetable for this process. This is set out in the attached scheme. Public consultation is scheduled during 2023 and 2024 with a view to publishing the plan for formal representations under Regulation 19 in Q1 2025. Following the satisfactory

outcome of the plan at an Examination in Public, the plan is expected to be adopted in Q2 2026.

- 3.2 Other document listed in the scheme include the emerging Developer Contributions Supplementary Planning Document which is scheduled to be subject to public consultation in Q4 2022 and adoption in Q1 2023.
- 3.3 Once agreed, the scheme must be published. The document should be kept under review to ensure that it remains up to date. Updates may be necessitated as the Local Plan process evolves and the proposals for reform of plan making through the Levelling Up and Regeneration Bill are enacted.

4. **How this report links to Corporate Priorities**

- 4.1 The Local Plan directly links to all four aims of the Corporate Plan.

5. **Alternative Options**

- 5.1 The Council must publish an updated Local Development Scheme. The timescales proposed for the Local Plan and Developer Contributions SPD are considered to be the most expedient possible having regard to the requirements in the regulations and the Council's Statement of Community Involvement and the level of resource available to support plan making.

6. **Implications**

- 6.1 Community Safety - (Crime and Disorder Act 1998)
No implications.

- 6.2 Workforce

Preparation of documents within the Local Development Scheme will be undertaken by staff within Development Services with additional support from appointed consultants when necessary for elements of the Local Plan evidence base in particular.

- 6.3 Equality and Diversity/Equality Impact Assessment

No direct implications. An Equalities Impact Assessment accompanies this report.

- 6.4 Financial Considerations

Budget requirements for documents in the Local Development Scheme are as per the Medium Term Financial Plan.

- 6.5 Legal

Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) states that local planning authorities must publish and maintain a Local Development Scheme. It must specify local development documents that will comprise part of the development plan when produced, the timetable for their production, the geographical extent of documents and if any are to be prepared jointly with other local planning authorities. Local Development Schemes must also be made available to the public. Progress on compliance with the deadlines in the Local Development Scheme must also be reported by the authority. To bring the scheme into effect, the local planning authority must resolve that the scheme is to have effect and in the resolution specify the date from which the scheme is to have effect.

6.6 Climate Change

No direct implications from the Local Development Scheme. Documents listed in the Local Development Scheme such as the Local Plan will have implications for climate change but they will be considered separately.

6.7 Consultation

No consultation required on the Local Development Scheme itself. Details of consultations for documents listed in the scheme such as the Local Plan will be considered separately.

6.8 Risk Assessment

The High Peak Local Plan and Developer Contributions SPD are the main documents listed in the Local development Scheme. Both projects feature on the Council's Risk Register to identify and manage risks.

Neil W. Rodgers
Executive Director (Place)

Web Links and Background Papers

Planning & Compulsory Purchase Act 2004
<https://www.legislation.gov.uk/ukpga/2004/5/contents>

The Town and Country Planning (Local Planning)
(England) Regulations 2012 (as amended)
<https://www.legislation.gov.uk/ukSI/2012/767/contents/made>

Planning Practice Guidance for Plan Making
<https://www.gov.uk/guidance/plan-making>

Contact details

Mark James
Principal Planning Officer
mark.james@highpeak.gov.uk

7. Detail

Background and requirements

- 7.1 Local Planning Authorities are required to produce a Local Development Scheme (LDS) by the Planning and Compulsory Purchase Act 2004. The LDS should set out the programme for the preparation of local development documents including the timetable or the preparation and their scope. Documents that will form part of the statutory development plan must also be identified. Reference to neighbourhood plans is encouraged.
- 7.2 The LDS is intended to provide a useful tool to keep communities informed of schedule plan making and must be kept up to date and publicised accordingly.
- 7.3 The last LDS in High Peak was agreed in 2014 to map out the timetable for the remaining stages of the Local Plan that was subsequently adopted in 2016. An update is now required to set out the schedule for the emerging updates to the Local Plan. The Executive agreed to the commencement of work on a new Local Plan in June 2022 following an assessment of the policies that deemed housing and employment development requirements in Policies S3 (Strategic Housing Development), S4 (Maintaining and Enhancing an Economic Base) and H4 (Affordable Housing) to be out of date.
- 7.4 An updated LDS also provides an opportunity to highlight the schedule for the new Developer Contributions Supplementary Planning Document (SPD) and to provide updated information on neighbouring planning as far as it is available. Details of evidence base reports that will inform the Local Plan including broad timeframes for delivery and monitoring reports are also noted.

Work programme and proposed LDS

- 7.5 A draft of the proposed LDS is appended to this report. Key milestones for each document in the LDS are copied below.

Updated High Peak Local Plan and Policies Map

Purpose and scope	
What is the scope of the document?	A spatial strategy and vision for the Borough and the policies and site allocations to deliver them.
What is the purpose of the document?	Part of Development Plan for High Peak to be used to determine planning applications and guide investment.
What will it replace?	High Peak Local Plan adopted April 2016
Timetable	
Early engagement	Q1 2023
Options consultation	Q3 2023
Preferred Options consultation	Q2 2024
Publication of Local Plan for formal representations	Q1 2025
Submission of Local Plan	Q2 2025
Examination	Q3 2025 - Q1 2026
Adoption	Q2 2026

- 7.6 The proposed timetable for the Local Plan has been informed by the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which establish the requirements for Local Plan preparation. The Council's own Statement of Community Involvement (SCI) has also been taken into account as it set out provision for public consultation on planning policy documents. Other factors include the need to avoid purdah for key decision making and consultation stages and the need for evidence to inform the emerging plan.
- 7.7 Member engagement ahead of decisions by Council ahead of each public consultation is also built in. The Local Plan Steering Group will continue to meet to review policy matters, evidence, the process and other matters as requested. Discussions regarding sites will be subject to member workshops for all who wish to attend to ensure that the merits of options and proposals can be discussed in detail.
- 7.8 Key stages as set out in the Regulations can be summarised as follows:
- Regulation 18 – “preparation of a local plan”. This sets out basic provisions for engagement during the preparation of a Local Plan. The planning authority must notify consultees of the subject of the plan that they propose to prepare and invite them to make representations about what a local plan with that subject ought to contain.

- Regulation 19 / 20 – “Publication of a local plan”. At this stage, the Council must publish the plan it deems “sound” for formal representations for a period of six weeks. The Council should be satisfied that the plan now meets the necessary “tests of soundness” that it will be measured against at an Examination in Public as well as relevant legal requirements such as compliance with the Duty to Co-operate and Strategic Environmental Assessment (SEA) requirements.
- Regulation 22 – submission of the Local Plan to the Secretary of State along with the Sustainability Appraisal, representations, Consultation Statement and other supporting documents. Consultees must be notified of the submission and documents are to be made available.
- Regulation 23 / 24 / 25 relates to the Examination in Public stage when the plan and associated representation and supporting documents are considered by a planning inspector. Representors have the opportunity to appear at hearing sessions where specific matters relating to the plan are discussed. The Council must provide six weeks notice of such hearings. The inspector may deem that modifications to the plan are necessary to make the plan sound. Such modifications would be subject to a further six week period of consultation before the inspector writes their final report. This would confirm if the plan is sound and legally compliant with any necessary modifications.
- Regulation 26 set provision for the point at which the Council may decide to adopt the plan, subject to the recommendations of the inspector. The Council must then publish the plan and notify interested parties.

7.9 The Council’s SCI specifies the following for engagement at the regulation 18 and 19 stages in the process.

Stage	Preparation	Who	How
Preparation of a Local Plan (Regulation 18)	Evidence gathering. Scope of the Plan. Preferred Options.	Specific and general consultation bodies. Town and Parish Councils. Developers / land owners / agents. Any residents or other persons carrying on business in the area from which the Council considers it appropriate to invite representations.	The following methods of raising awareness / consultation will be used in so far as they are appropriate: Web-site, on-line portal, letter, e-mail, press release, social media, exhibitions / drop-in sessions, deposit at Council buildings, response forms (paper and electronic), meetings as appropriate, neighbour notification and site notices as appropriate
Publication of a local plan (Regulations 19 and 20)	Consult on proposed submission document	Specific and general consultation bodies. Those registered on the Council's database. Any other residents or other persons carrying out business in the area from which the Council considers it appropriate to invite representations.	Web-site, on-line portal, letter, e-mail, press release, social media, deposit at Council buildings, response forms (paper and electronic)

- 7.10 In Q1 2023, early engagement is proposed in the form of a scoping consultation. The precise form of this consultation will be considered by the Local Plan Steering Group ahead of Council approval. The scoping consultation could seek views on the scope of plan, what issues that plan should address, objectives and a “call for sites”. The latter element would allow landowners and others to put forward sites for further consideration as potential development sites or sites to be protected e.g. Local Green Spaces in the next Local Plan.
- 7.11 Q3 2023 would then see a consultation on options for policies and sites building on feedback from the scoping consultation, new evidence and member feedback. Options would then be refined to prepared a preferred options consultation for further consultation in Q2 2024. This would provide the first opportunity for comments on a draft version of the new Local Plan. This consultation would conclude the regulation 18 phase of the process.
- 7.12 Publication of the plan for a six week period for formal representations as per regulations 19 / 20 would follow in Q1 2025 closely followed by submission of the plan to the SoS, subject to Council approval. The length of Local Plan examinations is difficult to predict as this will largely be dependent on the number of outstanding issues. However, it has been assumed that a further period of consultation on modifications to the plan will be need during this phase as this is generally the case. It is expected that the Council will be able to consider the adoption of the plan by Q2 2026.

- 7.13 Whilst the above timeline is considered to be appropriate at the moment, it will need to be kept under review to ensure that milestones are realistic and reflect new information. In particular, proposals in the emerging Levelling Up and Regeneration Bill include the streamlining of local plans and associated evidence requirements with a view to reducing preparation time to 30 months. At the time of writing, the arrangements for the transition from the current system to the new are still unknown. Indeed, the Bill itself is still subject to several rounds of further readings in Parliament and therefore may change. Nevertheless, it is possible that the timeline could be condensed to reflect new legislation. Conversely, delays may also be necessitated by issues that arise from consultation or new evidence for example.
- 7.14 The timetable for the Local Plan was considered by the Local Plan Steering Group on 26th July 2022. Whilst views were expressed that it would be preferable to accelerate the process, it was explained that the best opportunity for this to occur would be in response to the eventual reforms proposed in the Levelling Up and Regeneration Bill discussed above or at the expense of public consultation. A call for detailed consideration of the scope of the plan ahead of consultation can be incorporated within the timeframes set out in the LDS. A request to update the Statement of Community Involvement early on in the Local Plan process has been reflected in the LDS and is discussed below.
- 7.15 The programme for the Development Contributions SPD is relatively straightforward in comparison to the Local Plan. As per consultation requirements set out in the regulations for SPDs and in the Council's SCI, a draft SPD is proposed to be considered for public consultation in Q4 2022. This follows the issues and options consultation for the document that was conducted earlier this year. Adoption by the Council expected in Q1 2023. Once in place, the document will provide additional guidance to the Council and developers in relation to the method and approach for calculating developer contributions towards infrastructure and affordable housing in line with the adopted Local Plan.

Neighbourhood Plans

Purpose and scope	
What is the subject of the document?	To be determined by the relevant Parish/Town Councils and the Buxton Neighbourhood Forum
What is the status of the document?	Part of the Development Plan for the respective area. Plans must be in general conformity with the strategic policies of the Local Plan.
What will it replace?	TBD
Timetable	
Consultations	TBD by Parish/Town Councils and the Buxton Neighbourhood Forum
Adoptions	TBD

7.16 The following areas have been formally designated by the Council as Neighbourhood Areas to enable the preparation of Neighbourhood Plans:

- Chapel-en-le-Frith Parish (designated April 2013)
- Chinley, Buxworth and Brownside Parish (designated July 2016)
- Whaley Bridge Parish (designated October 2013)
- Hayfield Parish (designated September 2019)
- Buxton Neighbourhood Area (non-parished) and Buxton Neighbourhood Forum (designated February 2021)

7.17 Whilst there are five designated Neighbourhoods Areas, it is understood that plans are only currently being produced in two, namely Whaley Bridge and Buxton. Whaley Bridge Town Council recently consulted on a draft of the neighbourhood plan but the full details of the timetable are unknown. No details are known of the timeframe for the Buxton Neighbourhood Plan. Further engagement with neighbouring planning bodies will be undertaken when the timetable for the Local Plan update through the LDS has been agreed.

Annual Monitoring Reports

Purpose and scope	
What is the subject of the document?	Presentation and analysis of data for indicators relating to development plan policies
What is the status of the document?	Monitoring report
What will it replace?	Monitoring reports are produced annually
Timetable	
Consultation	N/A
Publication	December each year

Infrastructure Funding Statements

Purpose and scope	
What is the subject of the document?	Data on developer contributions that have been secured and spent by the Council on infrastructure
What is the status of the document?	Monitoring report
What will it replace?	Monitoring reports are produced annually
Timetable	
Consultation	N/A
Publication	December each year

7.18 The Annual Monitoring Report (AMR) is published each December and set out data for Local Plan indicators such as housing and employment developments. The production of Infrastructure Funding Statement is now a statutory requirement to set out details of developer contributions secured, collected and spent by local planning authorities.

Statement of Community Involvement (SCI)

Purpose and scope	
What is the subject of the document?	Proposals for how the Council will consult on planning policy documents and planning applications
What is the status of the document?	Statement of Community Involvement
What will it replace?	SCI as adopted in February 2019
Timetable	
Consultation	Q1 2023
Adoption	Q2 2023

7.19 The Council’s Statement of Community Involvement (SCI) sets out provisions for public consultation on planning policy documents as well as planning applications and was adopted in February 2019. The SCI must be reviewed at least every five years to ensure that it is up to date. As such, a review is due by February 2024.

However, it is proposed to review and if needs be consult on possible modifications to the SCI in Q1 2023 alongside the initial scoping consultation on the Local Plan. This would enable the SCI to be updated with any necessary changes in best practice etc at the start of the process rather than in the middle as per the existing review timetable. The SCI could then be considered for adoption prior to the options consultation on the Local Plan and form the basis for consultations from that point onwards.

Next steps

7.20 Once agreed and the LDS has been brought into effect, the Council must publish the LDS along with a copy of amendments. In due course it must also publish up-to-date information showing the state of the authority’s compliance (or non-compliance) with the timetable.