

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Cabinet

3 October 2023

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| TITLE: | Local Development Scheme – Adoption |
| PORTFOLIO HOLDER: | Councillor Price - Deputy Leader & Portfolio Holder for Regeneration and Planning |
| CONTACT OFFICER: | Ben Haywood – Head of Development Services, Jennifer Robb – Trainee Planning Officer |
| WARDS INVOLVED: | All wards outside of the Peak District National Park |

Appendices Attached:

Appendices Attached – Appendix 1: Draft Local Development Scheme 2023

- 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 Staffordshire Moorlands Local Plan and Developer Contributions Supplementary Planning Document.
- 2. Recommendation**
 - 2.1 That Councillors note the content of the proposed Local Development Scheme.
 - 2.2 That Cabinet recommends to Council to adopt the Local Development Scheme and the outline timetable for the production of all documents that make up the local plan.
- 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. A Local Plan is required to be assessed at least every five years to determine whether a full review is required, therefore, consideration has been given to the timetable for this process. This is set out in the attached scheme. This

assessment is scheduled during 2025, and following the initial assessment, if a full review is required a draft timetable has been produced.

- 3.2 Other documents listed in the scheme include the emerging developer contributions Supplementary Planning Document.
- 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 and other Supplementary Planning Documents links directly to all four aims of the corporate plan.

5. **Alternative Options**

- 5.1 The Cabinet is requested to recommend approval of the 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 (Recommended).
- 5.2 Members decide not to recommend approval of the Local Development Scheme. The information and guidance within the document will not be available (Not Recommended).

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

None direct.

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 Staffordshire Moorlands 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

As attached to the report

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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.
- 7.3 The last LDS in Staffordshire Moorlands was agreed in 2018 to map out the timetable for the remaining stages of the Local Plan that was subsequently adopted in 2020. An update is now required to set out the schedule for an emerging review to the Local Plan and to reflect the progress of the Developer Contributions SPD.
- 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.

Purpose the Local Development Scheme

- 7.5 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.

Work programme and proposed LDS

- 7.6 A draft of the proposed LDS is appended to this report. Key milestones for each document are outlined in the LDS.
- 7.7 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. Member engagement ahead of decisions by Council ahead of each public consultation is also built in.

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– “Publication of a local plan”. At this stage, the Council must publish the plan it believes to be “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.
- Regulations 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 having made representations at Reg 19, may, at the inspectors invitation 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 Whilst the proposed 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.

- 7.9 The full details of the timetable for all Neighbourhood Development Plans are not set out within the LDS, as the Council is not responsible for their preparation. Further engagement with neighbouring planning bodies will be undertaken when the timetable for the Local Plan update through the LDS has been agreed.

Adoption

- 7.15 If adopted, the LDS, and an 'adoption statement' will be published. Interested parties may be notified of the adoption.