

Name of meeting: **Cabinet**
 Date: **23 August 2016**

Title of report: **Local Development Scheme (LDS)**

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes The Local Development Scheme sets out the timetable for preparing the Local Plan, which is a district wide plan likely to have implications for all wards.
Is it in the Council's Forward Plan ?	Yes
Is it eligible for "call in" by Scrutiny ?	Yes
Date signed off by <u>Director</u> & name	Jacqui Gedman -12.08.16
Is it signed off by the Director of Resources?	David Smith - 09.08.16
Is it signed off by the Assistant Director - Legal, Governance and Monitoring	Julie Muscroft - 11.08.16
Cabinet member portfolio	Councillor Peter McBride - Economy, Skills, Transportation & Planning

Electoral [wards](#) affected: **All**
 Ward councillors consulted: **None**

Public or private: **Public**

1. Purpose of report

The purpose of this report is to request Cabinet approval of a revised version of the Council's Local Development Scheme (LDS) for the Local Plan.

2. Key points

The LDS is the timetable for producing planning documents that will make up the Local Plan. The LDS informs interested parties when documents will be produced, the broad remit of documents and when interested parties can expect to get involved. A LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

National Planning Practice Guidance confirms that the LDS must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publically and kept up-to-date and local planning authorities should publish their LDS on their website. It is also a legal compliance test for the Local Plan at its Examination in Public that its content is in accordance with the LDS.

Following changes in Legislation in 2011 and 2012 (through the Localism Act 2011 and the Town and Country (Local Plan) (England) Regulations 2012), there is no longer a requirement for local planning authorities to specify the timetables for producing other planning documents such as Supplementary Planning Documents (SPD's), the Community Infrastructure Levy (CIL) and the Statement of Community Involvement (SCI) in the LDS. Where these are referenced they are simply for information.

The current LDS, requires to be revised, to reflect the most up to date information re timescales and specific information regarding the documents that will be submitted for examination to the Secretary of State.

3. Implications for the Council

The main implications for the Council in agreeing to the revised LDS is to ensure that existing project management continue to be supported and that sufficient resources are made available for the Local Plan programme as far as is reasonable and practicable within current resource constraints.

Specific actions and activities regarding further public consultation on the Local Plan, the content of any revisions to the Local Plan and actions required to prepare the Local Plan for submission to the Secretary of State will be set out in a later Cabinet/Council reports. The proposed timetable for this is set out in the LDS.

4. Consultees and their opinions

There is no requirement to consult on the LDS.

5. Next steps

Once approved by Cabinet the LDS will be placed on the Council's website and will form part of the technical documents in the Local Plan evidence base when the Local Plan is submitted to the Secretary of State.

6. Officer recommendations and reasons

It is recommended that Cabinet approve the revised LDS.

7. Cabinet portfolio holder recommendation

Councillor Peter McBride, the portfolio holder, for Economy, Skills, Transportation and Planning, is in agreement with this report and asks Cabinet, to approve a revised version of the Council's Local Development Scheme (LDS) for the Local Plan, which is appended to this report.

8. Contact officer and relevant papers

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9. Assistant Director responsible

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Background Papers:

- Local Development Scheme - dated August 2016 (attached)



Kirklees Local Plan

Draft

Local Development Scheme

August 2016

Contents

- 1.0 Introduction**
- 2.0 The current Development Plan**
- 3.0 The Kirklees Local Plan**
- 4.0 The Local Plan – Timetable**
- 5.0 Resource Management**
- 6.0 LDS Timelines**

1.0 Introduction

- 1.1 The Local Development Scheme is the timetable for producing the planning documents that will make up the Local Plan. The Local Development Scheme (LDS) tells you when documents will be produced and when you can expect to get involved. A LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 1.2 Following changes in Legislation in 2011 and 2012 (through the Localism Act 2011 and new Town and Country (Local Plan) (England) Regulations 2012), there is no longer a requirement for local planning authorities to specify the timetables for producing other planning documents such as Supplementary Planning Documents (SPD's), the Community Infrastructure Levy (CIL) and the Statement of Community Involvement (SCI) in the LDS. However, the Council is aware that this is useful information that should be publicly available. Consequently, a list of those the Council is proposing to prepare and review will be included in future revisions of the LDS as appropriate.
- 1.3 The Local Plan for an area sets the rules for how the area will develop over time. Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of our area. These documents taken together will set a clear vision for the area, together with a strategy for delivering it.
- 1.4 The LDS also sets out the resources that will be required and an approximate timetable for preparing each component of the document plan. The LDS will be kept up to date - considering the need to revise it on, at least, an annual basis.
- 1.5 The LDS must specify:
 - the local development documents which are to be development plan documents;
 - the subject matter and geographical area to which each development plan document is to relate;
 - which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
 - any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee;
 - the timetable for the preparation and revision of the development plan documents; and
 - such other matters as are prescribed.
- 1.6 The LDS will be published and kept up to date on the Council's website: www.kirklees.gov.uk/localplan

2.0 The Current Development Plan

- 2.1 Legislation states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 The statutory development plan for Kirklees is currently comprised of saved policies from the Kirklees Unitary Development Plan (1999) and national policy and guidance.

Unitary Development Plan (1999)

- 2.3 The Unitary Development Plan (UDP) sets out the council's policies and proposals for the use and development of land and buildings. The plan was adopted on 1 March 1999 and constitutes the statutory development plan for Kirklees, except for that part of the District which is within the Peak District National Park (where the national park plans are in force).

Saved Policies

- 2.4 As a result of a direction issued by the Secretary of State for Communities and Local Government, from 28 September 2007 some of the policies in the UDP continue to have effect - these are called saved policies. The planning system allows the Council to 'save' existing policies until they are replaced by policies in the Local Plan (although they will continue to have full effect until the Local Plan is formally adopted by the council as the new development plan). The Council has received Directions from the Secretary of State setting out those policies from the Unitary Development Plan that are 'saved'. The list of saved policies can be viewed at: www.kirklees.gov.uk/udp

3.0 The Kirklees Local Plan

The Local Plan

- 3.1 The Local Plan is the new development plan being produced for Kirklees.
- 3.2 The Local Plan will also set out the areas of Kirklees that need protection, including valuable open spaces, areas with high environmental quality and historic value. It will set out the infrastructure needed to make sure that any new developments are sustainable.
- 3.3 The Local Plan will contain a map of the district showing where land has been identified for different uses such as housing, employment and open space. Planning policies will also be set out to make sure that development which comes forward will be sustainable. The Local Plan, once it has been adopted, will form part of the statutory Development Plan covering Kirklees, which is the basis for all planning decisions.
- 3.4 The Kirklees Local Plan will comprise a number of documents, including:

Local Plan: Strategy and Policies: The Local Plan will establish the vision, strategic objectives for the development of Kirklees up to 2031 and a spatial strategy setting out how development will be accommodated across the district. It also confirmed how many new homes and jobs are needed in the future for the district and provides policies which will determine how development proposals are determined.

Local Plan: Allocations and Designations (and Proposals Maps): Part 2 of the Local Plan sets out the different allocations and designations that are included subdivided into different categories and areas depending on their strategic nature. The Proposals Map illustrates geographically, on an Ordnance Survey base, the application of policies in the Local Plan and where planned development is expected to take place.

Other Planning Policy Documents

- 3.5 In addition to the Local Plan the council is also preparing other planning policy documents which will supplement the policies and assist the delivery of the Local Plan:

Community Infrastructure Levy (CIL): To support the production and implementation of the Local Plan, the Council will introduce a Community Infrastructure Levy (CIL). This is a locally set planning charge which can be used to help deliver infrastructure to support the development of the area. The relevant charges for different types of development in different parts of Kirklees will be set out in a charging schedule.

Supplementary Planning Documents (SPD's): These documents provide further guidance and information relating to one or more specific policies or proposals set out in the Local Plan. As they are not part of the statutory development plan, the LDS is not required to programme the preparation of SPDs. However, they will be a material consideration in considering relevant planning proposals and it is intended that a series of SPDs will be produced to provide further guidance on Local Plan policies.

In addition the Council intends on reviewing all current SPD's and guidance. This is an ongoing process and the LDS will be updated to reflect any changes in current or future plans for SPD's. Up to date details will be published and maintained on the council's planning policy web pages.

Area Action Plans (AAP's): The purpose of Area Action Plans are to help shape the future of particular parts of Kirklees which area expected to significantly change over time by developing a shared direction for the area and co-ordinating development proposals across a number of significant sites. AAP's will provide a detailed planning framework for areas that are subject to significant development and change, provide guidance on delivery tools and mechanisms for growth in homes and jobs and infrastructure needs.

Neighbourhood Development Plans: Since April 2012, local communities have been able to produce Neighbourhood Plans for their local areas, putting in place planning policies for the future development and growth of the neighbourhood. Similar to a local plan, it can contain a vision, aims, planning policies, proposals for improving an area or providing new facilities, or allocation of key sites for specific kinds of development. A neighbourhood plan will be subject to examination and referendum. Where they are brought into force, they will form part of the development plan. This statutory status gives neighbourhood plans more weight than other community documents such as parish plans, community plans and village design statements.

- 3.6 The Council also produces the following documents which do not contain planning policies but which national planning policy and legislation requires the council to produce:

Statement of Community Involvement (adopted 2015) – The revised Statement of Community Involvement (SCI) was adopted by the Council on 22nd September 2015 and this document replaces the SCI adopted in 2006. The purpose of the document is to set out how we will work with local communities and stakeholders to develop planning policy documents such as the Kirklees Local Plan or guidance on specific issues. You can view the SCI on the Council's website:

www.kirklees.gov.uk/localplan/communityinvolvement

The Annual Monitoring Report – The Annual Monitoring Report (AMR) assesses the progress towards the Local Plan and monitors the effectiveness of policies. The report covers a number of indicator areas including progress towards the Local Development Scheme, housing, employment, open space and flooding. You can view the AMR on the Council's website:

www.kirklees.gov.uk/localplan/annualMonitoringReport

Monitoring and Review

- 3.7 This LDS will be reviewed and updated regularly to maintain a flexible and realistic timetable for document production, ensuring that production programmes are aligned with resources. Updates will be published on the Kirklees web-site and progress on delivery of plans will be tracked through the Annual Monitoring Reports (AMR). To check for the latest update to the LDS at any time and key updates to specific stages in the preparation of the Local Plan visit the council's website:

www.kirklees.gov.uk/localplan

4.0 The Local Plan - Timetable

- 4.1 A profile for each of Local Plan submission documents is provided below, setting out the scope of the document and the proposed timetable for its preparation between the current stage and the formal adopted of the documents.

Local Plan Part 1 - Strategy and Policies	
Overview	
Role and content	The Local Plan will establish the vision and strategic objectives for the development of Kirklees up to 2031 and a spatial strategy setting out how development will be accommodated across the district.
Geographical Area	District wide
Chain of conformity	National Planning Policy Framework
Local Plan Part 2 - Allocations and Designations (and Proposals Maps)	
Overview	
Role and content	Part 2 of the Local Plan sets out the different allocations and designations that are included, subdivided into different categories and areas depending on their strategic nature.
Geographical Area	District wide
Chain of conformity	National Planning Policy Framework
Timetable and milestones	Dates
Publication Consultation	November 2016
Submission to Secretary of State	March 2017
Examination	April – December 2017
Adoption	Early 2018

Community Infrastructure Levy – Charging Schedule	
Overview	
Role and content	The CIL Charging Schedule will set out standard charges that the Council will levy on specified types of development to contribute towards the delivery of essential infrastructure across the district. The CIL charging schedule will not set out the governance arrangements which will dictate CIL expenditure.
Geographical Area	District wide
Chain of conformity	National Planning Policy Framework, Kirklees Local Plan and CIL Regulations
Timetable and milestones	Dates
Publication	November 2016
Submission to Secretary of State	March 2017
Examination	April - December 2017
Adoption	Early 2018

5.0 Resource Management

Resources

- 5.1 The Planning Policy Group in the Investment and Regeneration Service has the responsibility for the preparation and review of the Local Plan, the CIL charging schedule and the maintenance and development of the evidence base and of the representations database. The team is assisted by staff from other teams across the council.
- 5.2 Current team structures/resources have been satisfactorily managing initial evidence gathering, early engagement/consultation on the Local Plan, and initial expressions of interest from neighbourhood planning. As demands for neighbourhood planning, area action planning and supplementary planning documentation increase appropriate resources will need to be made available, alongside resourcing the Examination in Public, which can include venue hire, additional office equipment and the appointment of an independent Programme Officer to run formal proceedings. The council will need to enter into a service level agreement with the Planning Inspectorate regarding the Examination in Public and the Inspector's Reporting stage.
- 5.3 In addition the preparation of the Local Plan is particularly reliant on resources outside of the team, including colleagues involved in the following work areas:
- Planning Policy and Development Management
 - Highways and Transport
 - Flood/drainage
 - Education
 - Public Health
 - Minerals and Waste
 - Housing strategy and delivery
 - Economic development
 - Town centres/Retail
 - Environmental Health
 - Green Infrastructure
 - Legal
 - Business Support
 - Energy
 - Conservation and Heritage
 - Environmental protection, air and water quality and noise

It is important that the council provides continued support and resource for these teams to ensure the Local Plan is robust and credible.

