

Name of meeting: Cabinet
Date: 3rd December 2019
Title of report: Approval of a revised Local Development Scheme (the timetable for Planning Policy work)

Purpose of report: To seek approval to publish the updated Local Development Scheme (LDS). The LDS sets out the timetable and brief scope of proposed planning policy documents including development plan documents (Local Plan and Area Action Plans). It also sets out the position relating to the Community Infrastructure Levy, Neighbourhood Planning, Supplementary Planning Documents and other proposed policy guidance.

Key Decision - 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 planning policy documents and guidance and as such is likely to have implications for all wards.
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision - Yes Private Report/Private Appendix - No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Karl Battersby - 20.11.2019
Is it also signed off by the Service Director Finance?	Eamonn Croston - 21.11.2019
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft - 25.11.2019
Cabinet member portfolio	Cllr Peter McBride - Regeneration Portfolio Cllr Naheed Mather - Greener Kirklees Portfolio

Electoral wards affected: All

Ward councillors consulted: Cllr Peter McBride, Cllr Naheed Mather

Public or private: Public

Has GDPR been considered? The report does not contain any personal information.

1. Summary

The purpose of this report is to seek approval to update the Council's Local Development Scheme (LDS) (approved by Cabinet on 19th December 2017). The Local Development Scheme sets out the timetable for producing the planning documents that will make up the development plan and briefly sets out the scope of these documents. It also sets out details relating to the Community Infrastructure Levy, Neighbourhood Planning, Supplementary Planning Documents and other planning guidance.

2. Information required to take a decision

The LDS sets out the timetable for producing planning documents that will make up the development plan and associated guidance. The LDS informs interested parties when documents will be produced, the broad remit of documents and when interested parties can expect to get involved. An 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 and identify (among other matters) the development plan documents which, when prepared, will comprise the development plan for the area. Following the adoption of the Local Plan, this now includes Area Action Plans. The LDS must be made available publicly and kept up-to-date, and Local Planning Authorities should publish the LDS on their website. At the Examination in Public, there is also a legal compliance test for the development plan documents (for the Local Plan and Area Action Plans) where the content of these documents is assessed to measure 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 (agreed by Cabinet on 19th December 2017) reflects the request of the Local Plan Planning Inspector that the Local Development Scheme should make specific reference to its intention to produce Area Action Plans for Huddersfield and Dewsbury town centres. Reference to these documents remains in this revised Local Development Scheme.

Although legislation regarding the LDS does not require the Council to specify when it will produce Supplementary Planning Documents, the revised LDS includes this information to ensure transparency in terms of when people are likely to have an opportunity to become involved when the council consult on the documents. The revised LDS also notes the Council's ongoing statutory commitments to supporting Neighbourhood Plans, the preparation of additional planning policy guidance and a commitment to annual monitoring which will help to determine the ongoing effectiveness of the Local Plan.

A separate Planning Policy document covering climate change to reflect the Climate Emergency was considered but rather than produce a discrete document, there is the intention to instead ensure consideration of climate change is central to the development of each of the Planning Policy documents set out in the Local Development Scheme. There is one specific reference to climate change guidance which will set out requirements for applicants submitting planning applications to demonstrate how their proposals have considered climate change when devising their proposals.

3. Implications for the Council

The main implication for the Council in agreeing to the revised LDS is to ensure support for existing project management and that sufficient resources are made available for the Planning Policy Group work programme, as far as is reasonable and practicable within overall budget constraints.

- **Working with People**

The Local Development Scheme sets out the timetable for the production of a range of planning policy and guidance documents and the council will undertake public consultation in accordance with the Statement of Community Involvement.

- **Working with Partners**

The council will engage with partners in the formulation of planning policy documents.

- **Place Based Working**

In addition to public consultation, the council will ensure the planning policy documents being produced reflect the characteristics of the areas covered by the proposals.

- **Improving outcomes for children**

The Local Development Scheme sets out documents to be produced for example relating to provision of open space, design of residential proposals and managing the location of new hot food takeaways.

- **Other (eg Legal/Financial or Human Resources)**

- Legal - A Local Development Scheme is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). Although not a legal risk, the revised LDS will play a role in a Planning Inspector's decision on whether to find certain elements of the Area Action Plans sound in relation to planning land use for retail in town centres.
- Financial - The main implication is to ensure that existing project management arrangements continue to be supported and that sufficient resources are made available for the work programme and new planning policy documents, as far as is reasonable and practicable. The cost of this work can be met in the short term from existing budgets. However, in the medium to long term a future report to Cabinet may be necessary to inform any requirement for resources where there are impacts on the LDS timetable.
- Human resources - There are staffing implications in managing the LDS work programme. In the short term this will be managed within existing staff resources. However, in the medium to long term a future report to Cabinet may be necessary to inform any requirement for resource where there are impacts on the LDS timetable.

4. Consultees and their opinions

There is no requirement to consult on the content of the Local Development Scheme (LDS). The LDS sets out when the council will seek to consult during the preparation of the relevant specified policy documents.

5. Next steps and timelines

Once approved by Cabinet the LDS will be placed on the Council's website and progress towards the timescales will be published annually in the council's Authority Monitoring Report (formerly known as the Annual Monitoring Report).

6. Officer recommendations and reasons

It is recommended that Cabinet approve the revised LDS. The proposed documents listed in the LDS will provide improved clarity for the community, officers, members and developers as we continue to implement the Local Plan. The approved LDS would be published on the council's website.

7. Cabinet Portfolio Holder's recommendations

Councillor Peter McBride was briefed on Monday 11th November 2019 and Councillor Naheed Mather was briefed on Tuesday 12th November 2019. Both are supportive of the revised Local Development Scheme.

8. Contact officer

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9. Background Papers and History of Decisions

- The existing Local Development Scheme was approved by Cabinet on 19th December 2017
- The proposed revised Local Development Scheme is attached to this Cabinet report.

10. Service Director responsible

Naz Parkar (Service Director for Housing and Growth)
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