

Name of meeting: Cabinet
Date: 19th December 2017
Title of report: Local Development Scheme

Purpose of report

To approve the decision to update the Council's Local Development Scheme (LDS) which is the timetable for producing the planning documents that will make up the Local Plan and supplementary 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 If yes give the reason why The Local Development Scheme sets out the timetable for preparing the Local Plan's planning documents and policies, which is a district wide plan likely to have implications for all wards.
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Yes If yes also give date it was registered 10 th November 2017
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic Director & name Is it also signed off by the Service Director for Finance, IT and Transactional Services? Is it also signed off by the Service Director for Legal, Governance and Commissioning?	Naz Parkar - 5.12.2017 Debbie Hogg - 4.12.2017 Julie Muscroft - 8.12.2017
Cabinet member portfolio	Cllr Peter McBride - Economy Portfolio - Strategic Planning, Regeneration and Transport Cllr Naheed Mather - Economy Portfolio - Strategic Housing, Regeneration and Enforcement

Electoral wards affected: All

Ward councillors consulted: N/A

Public or private: Public

1. Summary

The purpose of this report is to seek approval to update the Council's Local Development Scheme (LDS) (approved by Cabinet 23rd August 2016) which is the timetable for producing the planning documents that will make up the Local Plan and supplementary policy/guidance - enclosed at Appendix 1.

2. Information required to take a decision

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 publicly and kept up-to-date, and Local Planning Authorities should publish the LDS on their website. It is also a legal compliance test for the Local Plan at its Examination in Public where the content of the Local Plan 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 was agreed by Cabinet on 23 August 2016 and set out the main milestones for the preparation of the Local Plan. Cabinet, at its meeting on 30th May 2017, also delegated to the Strategic Director, Economy and Infrastructure, the power to update the Local Plan timetable (i.e. the Local Development Scheme) on a regular basis during its Examination in Public via the Council's website so as to quickly disseminate any changes to the examination programme to interested parties.

Following the first stage of the Local Plan Examination in Public, the Planning Inspector has requested that the Council update the LDS to make specific reference to its intention to produce Area Action Plans for Huddersfield and Dewsbury town centres. The revised LDS now includes this information. Although legislation regarding the LDS does not require the Council to specify when it will produce Supplementary Planning Documents, the revised LDS makes recommendations for these to be added to the Planning Policy team's work programme. The revised LDS also notes the Council's ongoing statutory commitments to supporting Neighbourhood Plans and to annual monitoring of evidence for key land uses which may inform planning decisions.

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 Local Plan programme and new planning policy documents, as far as is reasonable and practicable within overall budget constraints. Certain individual documents listed in the LDS will have implications for Early Intervention and Prevention and Economic Resilience but decisions on their content are not being sought at this time.

Legal Implications

A LDS 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 the Planning Inspector's decision on whether to find certain elements of the Local Plan sound in relation to planning land use for retail in town centres.

Financial Implications

The main implications for the Council in agreeing to the revised LDS is to ensure that existing project management arrangements continue to be supported and that sufficient resources are made available for the Local Plan 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 if that impacts on the LDS timetable.

Human Resources Implications

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 resources if that impacts on the LDS timetable.

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 examination library for consideration by the Planning Inspector as part of the Examination in Public.

6. Officer recommendations and reasons

It is recommended that Cabinet approve the revised LDS.

7. Cabinet portfolio holder's recommendations

Councillor Peter McBride and Councillor Naheed Mather were briefed on 20th November 2017 and confirmed their agreement of the revised Local Development Scheme.

8. Contact officer

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9 Background Papers and History of Decisions

Relevant LDS Cabinet decisions on 23 August 2016 and 30th May 2017

10. Appendices

Appendix 1 - Copy of revised Local Development Scheme.

11. Service Director responsible

Paul Kemp - Service Director - Economy, Regeneration and Culture

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APPENDIX 1

Local Development Scheme

1.0 Introduction

- 1.1 The Local Development Scheme is the timetable for producing the planning documents that will make up the Local Plan, supplementary policy/guidance and the annual monitoring activity/programme associated with them. 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 the LDS as appropriate.
- 1.3 The LDS also sets out the resources that will be required and the timetable for preparing each document. The Local Development Scheme will be updated when required and the council also makes information available about the planning policy work programme on its website.
- 1.4 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.
- 1.5 The LDS will be published on the Council's website: www.kirklees.gov.uk/localplan

Monitoring and Review

- 1.6 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).

2.0 The Kirklees Local Plan – Timing and Content

The Local Plan - Current progress

- 2.1 The Local Plan is the new development plan being produced for Kirklees. This involves working out how many new homes and jobs are needed in the future for the district and allocating land to meet these needs.
- 2.2 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.
- 2.3 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.
- 2.4 The Kirklees Local Plan will initially comprise two main documents which need to be read together:

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.

Local Plan: Allocations and Designations (and Proposals Maps): This will set 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.

- 2.5 The Local Plan was submitted to the Secretary of State for its Examination in Public on 25 April 2017. The Examination in Public is being carried out in stages and is expected to continue into 2018. The Local Plan remains the main planning policy priority for the council. It will be the main focus of staff and financial resourcing for the financial period year 2018/19 and the initial timings of other projects will largely depend on its progress.

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

Timetable and milestones	Dates
Consultation	2014 – 2016
Publication	November 2016
Submission to Secretary of State	April 2017
Examination	2017 – 2018
Adoption	2018

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
Consultation	2014 – 2016
Publication	November 2016
Submission to Secretary of State	April 2017
Examination	2017 – 2018
Adoption	2018

3.0 Community Infrastructure Levy (CIL)

- 3.1 **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.

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.
Geographical Area	District wide
Chain of conformity	National Planning Policy Framework, Kirklees Local Plan and CIL Regulations

Timetable and milestones	Dates
Consultation	2015-2016
Submission to Secretary of State	April 2017
Examination	2018
Adoption	2018

4.0 Area Action Plans (AAP's)

- 4.1 **Area Action Plans (AAP's):** The purpose of the Area Action Plan is to help shape the future of Kirklees 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. They can also identify specific sites and more detailed policies to guide future retail growth and assist in the future development and place shaping of town centre areas.

Huddersfield and Dewsbury Town Centre Area Action Plans	
Overview	
Role and content	These will set out a framework for promoting regeneration, place shaping and managing development within and around the edge of these town centres so that they fill their role in providing shopping, leisure, residential and employment opportunities.
Geographical Area	Huddersfield and Dewsbury town centres and significant areas of change beyond the town centre boundaries
Chain of conformity	National Planning Policy Framework and Kirklees Local Plan

Timetable and milestones	Dates
Consultation	2018 onwards
Submission to Secretary of State	TBC
Examination	TBC
Adoption	TBC

5.0 Development Briefs/Masterplans

- 5.1 Development briefs and masterplans are capable of being material planning considerations for planning applications and provide the council with a key mechanism to front load the planning process, engage/consult with residents, landowners and businesses, de-risk strategic sites and speed up delivery.

- 5.2 A number of locations are included in the emerging Local Plan where masterplanning/development briefs could assist. There is a key role for the planning policy group to play in implementing these proposals, alongside other service areas/teams as necessary/appropriate. In other cases, masterplans/development briefs may be private sector led. Once the Local Plan is adopted it is likely that the LDS will need to be updated to list the locations where development briefs/masterplans are being developed.

6.0 Supplementary Planning Documents (SPD's)

- 6.1 **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. The Council has the following plans for future SPD's:

Supplementary Planning Document: Hot Food Take-Aways	
Overview	
Role and content	The Design Guide will establish best practice and set out how Local Plan policies will be delivered and implemented through the layout and design of residential and commercial developments.
Geographical Area	District wide
Chain of conformity	The Kirklees Local Plan – Strategy and Policies

Timetable and milestones	Dates
Document preparation	2018 onwards
Consultation	TBC
Approval of document for adoption	TBC
Estimated date of Adoption	TBC

Supplementary Planning Document: Design Guide	
Overview	
Role and content	The Design Guide will establish best practice and set out how Local Plan policies will be delivered and implemented through the layout and design of residential and commercial developments.
Geographical Area	District wide
Chain of conformity	The Kirklees Local Plan – Strategy and Policies

Timetable and milestones	Dates
Document preparation	2018 onwards
Consultation	TBC
Approval of document for adoption	TBC
Estimated date of Adoption	TBC

Supplementary Planning Document: Highway Design Guide

Overview	
Role and content	The Design Guide will establish best practice and required standards to be achieved in the layout and design of residential developments.
Geographical Area	District wide
Chain of conformity	The Kirklees Local Plan - Policies

Timetable and milestones	Dates
Document preparation	2017-2018
Consultation	2018
Approval of document for adoption	2018
Estimated date of Adoption	2018

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 Local Plan website.

7.0 Neighbourhood Development Plans

- 7.1 **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.

Neighbourhood Development Plans

The Localism Act 2011 enables local communities through Neighbourhood Forums to commission Neighbourhood Plans to be prepared in conformity with the Local Plans. Adopted Neighbourhood Plans will form part of the Local Plan against which planning applications will be determined. Neighbourhood Plans will take account of existing local policy and will set out neighbourhood level planning policies.

Neighbourhood plans will be assessed by the Council against higher level plans and Environmental Impact Assessment Regulations, before examination by an independent Inspector, followed by a referendum for residents of the neighbourhood area.

8.0 Annual Monitoring and the Annual Monitoring Report

- 8.1 **The Annual Monitoring Report** – The Planning Policy Group plays a key role in collecting intelligence for the council. The Annual Monitoring Report (AMR) assesses the progress towards the Local Plan and monitors the effectiveness of planning policies. The report also covers a number of indicator areas including progress towards the Local Development Scheme, rates of housing development, employment, open space, town centre footfall and flooding. Once the Local Plan is adopted the range of monitoring indicators will increase. You can view the AMR on the Council's website:

www.kirklees.gov.uk/localplan/annualMonitoringReport

9.0 Statement of Community Involvement

- 9.1 **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

10.0 Policy Formulation and Other Statutory Duties

10.1 The Planning Policy Group commissions and prepares a significant number of studies, intelligence and research to underpin planning policy formulation and justify the robustness and credibility of planning policies when making planning decisions. The group also has responsibility for a number of other statutory duties, aside from preparing the development plan.

10.2 Evidence Base

A key feature of the development plan (the Local Plan and any other future additions to it, such as Area Action Plans) is that their policies and proposals are soundly based on up-to-date and robust evidence. The evidence base not only provides the justification for the Local Plan, but also enables an assessment of the extent to which policies and proposals are being achieved. New evidence gathered as part of future planning policy work will be made available on the council's website. The current Local Plan evidence base can be viewed at:

www.kirklees.gov.uk/localplan

10.3 Duty to co-operate

Under the Localism Act 2011 local planning authorities are required to “engage constructively, actively and on an ongoing basis” with neighbouring planning authorities and a prescribed list of bodies when preparing development plan and other local development documents concerning matters of “strategic significance” that is matters affecting two or more local planning authorities.

10.4 The Council will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts at the Examination stage of each development plan document.

10.5 Progress with regards to the Duty to co-operate on Kirklees council's development plan documents and also with regard to the work being carried out by other duty to co-operate bodies is set out in the Annual Monitoring Report.

10.6 Environmental Duties

The council has to comply with various environmental legislation and obligations which can have a bearing on the preparation of planning policies. Key statutory duties exist directly in relation to plan making and include the preparation of documentation under Sustainability Appraisal/Strategic Environmental Assessment and Habitat Regulations.

10.7 Statutory Registers

The Planning Policy Group is currently responsible for preparing, maintaining and updating statutory land use registers. At present the Planning Service is responsible for a Custom and Self-Build Register and the preparation of a Brownfield Land Register.

11.0 Resource Management

11.1 The Planning Policy Group has the responsibility for the preparation and review of the Local Plan and other duties listed above. The team is assisted by staff from other teams in the Investment and Regeneration Service. It is therefore important the future resourcing decisions recognise that they could impact delivery of this work.

11.2 Planning policy documents have direct and indirect impacts on other service areas in the council. Other service areas also hold key information for the planning policy evidence base and have particular expertise which is needed to produce justified and effective policy. The policy group is particularly reliant on resources outside of the team, including colleagues involved in the following work areas:

- Development Management (Planning)
- Highways and Transport
- Flood/drainage
- Education
- Public Health
- Minerals and Waste
- Housing strategy and housing information
- Employment/skills
- Regeneration and economic development
- Town centres/retail
- Environmental Health
- Green infrastructure, parks and streetscene services
- Legal
- Business Support
- Housing strategy/commissioning/affordable housing
- Energy
- Conservation – historic assets
- Environmental protection, air and water quality and noise