

Three Rivers District Council

Committee Report

Date 11th November 2024

POLICY AND RESOURCES COMMITTEE
11th November 2024

PART I

Local Development Scheme (LDS)
(DoF)

1 Summary

- 1.1 This report seeks Members' approval of a revised Local Development Scheme (LDS) following the delay of the Regulation 19 consultation which was agreed by Members at the 17th October Local Plan Sub-Committee. The delay to the Regulation 19 consultation is as a result of the Government's proposed reforms to the NPPF and proposed transitional arrangements and the subsequent need to undertake further evidence work. The committee report for the 17th October Local Plan Sub-Committee titled "Implications of NPPF Consultation and Transitional Arrangements on Local Plan Progress" can be seen at Appendix 1.

2 Details

- 2.1 The Council is required to prepare and regularly review a Local Development Scheme (LDS) under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 2.2 The LDS sets out the timetable for the Local Plan, setting out when the next stages in the plan process are expected. The updated LDS will set out when we will be undertaking the Regulation 19 pre-submission consultation, when we will be submitting the plan to the Inspectorate for examination, and when we expect the plan to be adopted. The LDS must specify the documents which will comprise the development plan for the area. The LDS must be made available publicly and kept up to date to ensure that local communities and interested parties can keep track of progress. Local planning authorities must also publish the LDS on their websites.¹
- 2.3 Planning Practice Guidance re-iterates that Local Development Schemes must also be produced in compliance with any data standard for this purpose published by MHCLG and that it is expected to be reviewed and updated at least annually but may need updating more frequently if there are any significant changes in the timescales or the plans being prepared.
- 2.4 The Planning Inspectorate maintains and publishes a list of the overall position for each Local Planning Authority and the date of publication and adoption is based on information provided in Local Development Schemes.
- 2.5 Local Planning Authorities are required to keep the Planning Inspectorate informed about when their plans are to be published, submitted and adopted in order to ensure there are no delays in appointing an Inspector which would delay the examination process.
- 2.6 It must be noted that failure to have an up-to date LDS may result in the Planning Inspector concluding that planning documents are not legally compliant.

¹ Planning Practice Guidance <https://www.gov.uk/guidance/plan-making#evidence-base>

- 2.7 This report seeks Members' approval of a revised Local Development Scheme (LDS) following the delay of the Regulation 19 consultation as a result of the Government's proposed reforms to the NPPF and proposed transitional arrangements and the subsequent need to undertake further evidence work.
- 2.8 The current LDS sets out the Regulation 19 consultation would take place in September/October 2024, the submission of the plan in February/March 2025 and examination between April 2025 and April 2026.
- 2.9 The updated LDS (Appendix 3) proposes the Regulation 19 consultation to be undertaken in February/March 2026, submission of the Local Plan to the Planning Inspectorate in April/May 2026 and adoption of the Local Plan in September/October 2026. When compared to the current LDS (March 2024), which shows the Local Plan being adopted from May 2026, the proposed LDS shows adoption of the Local Plan from September 2026, a difference of only 4 months. Given that additional work, particularly evidence work, will be undertaken prior to Regulation 19 as part of the proposed timetable, it is envisioned that the examination process will be significantly shortened, given that the Local Plan is more likely to be found sound and require fewer modifications.
- 2.10 The time between the end of the Regulation 19 consultation and submission of the Local Plan for examination has been reduced. This would require agreement at Full Council when the plan is approved for Regulation 19 consultation that the decision to submit the plan is also made at the same meeting. Only in the event that the Regulation 19 consultation uncovers any issues of soundness or legal compliance would the plan be brought back through the committee process, otherwise it will continue to submission without coming back to Policy & Resources committee or Full Council. This is possible as the Regulation 19 consultation is on the version of the plan that we propose to submit for examination.
- 2.11 Officers are investigating shortening the time frame further. Firstly, by investigating whether the Open Space, Sports and Recreation study can be completed more quickly than anticipated. Officers are also considering the fastest they can conclude the other remaining evidence work. This work needs to be completed in two phases. Initially studies such as the Green Belt, Urban Capacity work and consideration of Gypsy and Traveller sites would need to be completed in order for us to produce a list of sites and updated policies. The sites and policies would then be fed into studies such as the Whole Plan Viability Assessment, Sustainability Appraisal, Infrastructure Delivery Plan and Habitats Regulation Assessment. The results of these studies would then inform the final decisions on sites and policies before progressing to Regulation 19. Time also needs to be allowed for procurement processes and committee cycles.
- 2.12 Officers consider that taking the time to complete the evidence and consider its findings in detail is essential in delivering a sound plan and would caution against trying to rush the process in order to gain a few months in terms of earlier adoption. Should officers consider it possible to reduce the time to Regulation 19 Publication of the Local Plan without risking its success at examination, then this will be communicated to Members prior to the Local Development Scheme being brought to Full Council.
- 2.13 As discussed at the Local Plan Sub-Committee on 17th October, further work is required with regards to providing a suitable SANG for those developments which fall within the zone of influence of the Chiltern Beechwoods SAC. As advised by Natural England, potential SANG sites require a visitor survey (which

may need to be spread over a year) to determine the level of existing use and any spare capacity that the area may have, as well as meet the other criteria set by Natural England. We will continue to work with Natural England and the TRDC Leisure Department on how best to provide areas of SANG for those developments within the zone of influence.

- 2.14 Initial data from the Gypsy and Traveller Accommodation Assessment update currently being undertaken suggests that there is an identified need for gypsy and traveller pitches in the District, as well as an identified need for Travelling Showpeople. As such, further work would need to be undertaken to address these needs. This work needs to be completed prior to Regulation 19 stage as we must demonstrate we have considered all of our development needs including the needs of Gypsies, Travellers and Travelling Showpeople.
- 2.15 As discussed at the Local Plan Sub-Committee on 17th October, the proposed changes to the NPPF will mean that the Council will have to undertake a further Green Belt review or an update to its existing Green Belt review to consider what effect releasing land from the Green Belt may have on the function of the Green Belt across the area of the plan as a whole. This is a crucial piece of evidence if the Council wishes to make a case for not meeting the government's standard method housing target in full.
- 2.16 The Council would need to undertake a new call for sites exercise so we can demonstrate that we have considered all of the reasonable alternatives. Officers would also need to update and add to the Strategic Housing and Employment Land Availability Assessment evidence base, in other words the detailed site assessments.
- 2.17 In addition to the work and evidence studies set out above, the following further work and evidence studies will be required prior to the publication of the Regulation 19 consultation:
- Sustainability Appraisal (SA)
 - Habitats Regulation Assessment (HRA) and Integrated Impact Assessment (IIA)
 - Whole Plan Viability Assessment
 - Transport Assessment
 - Open Space, Sport and Recreation Study Update
 - Infrastructure Delivery Plan Update
 - Urban Capacity Study Update
 - Heritage Impact Assessment Updates
 - Strategic Flood Risk Assessment Updates
- 2.18 Much of the evidence base work being completed prior to Regulation 19 consultation will require external consultants to complete the work to tight deadlines. Officers will manage external partners to ensure the work is completed as promptly as possible, however, it should be noted that delays to this work may result in delays to the Regulation 19 consultation as this work needs to feed into the plan.

- 2.19 As the Council has completed multiple Regulation 18 consultations on differing levels of growth Officers believe that we would not be producing a growth strategy fundamentally different than that which has already been consulted on. As such we would recommend going straight to Regulation 19 publication following the completion of the additional work. This will speed up the process compared to undertaking another round of Regulation 18 consultation. Officers will seek legal advice on this matter, however, it is important to note the potential for delay to the Local Plan timetable if a further Regulation 18 consultation is advised by Counsel. The timetable would be updated to include a Regulation 18 consultation in mid-2025 and the Regulation 19 consultation delayed until spring/summer 2026, still allowing time for submission prior to the December 2026 deadline for the current plan-making system.

3 Options and Reasons for Recommendations

- 3.1 The Council is required to prepare and regularly review an LDS under the provisions of the Planning and Compulsory Act 2004 as amended by the Localism Act 2011. An up-to-date LDS is an essential tool for the Council to effectively manage document production and for monitoring to take place.
- 3.2 Members are recommended to approve the adoption of the revised Local Development Scheme set out in Appendix 3.

4 Policy/Budget Reference and Implications

- 4.1 The recommendations in this report are within the Council's agreed policy and budgets

Financial, Legal, Staffing, Equal Opportunities, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

None specific.

5 Financial Implications

- 5.1 None specific.

6 Legal Implications

- 6.1 The Council is required to prepare and regularly review an LDS under the provisions of the Planning and Compulsory Act 2004 as amended by the Localism Act 2011

7 Communications and Website Implications

- 7.1 The LDS will be published on the Council's web site.

8 Risk and Health & Safety Implications

- 8.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

8.2 The subject of this report is covered by the Planning Policy and Conservation service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Lack of an up-to-date LDS could lead to legal challenge	Local Plan could be found not to be 'sound' at examination	Regularly review the LDS	Tolerate	Medium 6
Delay in Local Plan	May lead to uncertainty in the planning process and potential increase in planning appeals and risk of intervention in Local Plan		Tolerate	Medium 6

8.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
Impact Low -----► Unacceptable				

Impact Score
4 (Catastrophic)

Likelihood Score
4 (Very Likely (≥80%))

3 (Critical)	3 (Likely (21-79%))
2 (Significant)	2 (Unlikely (6-20%))
1 (Marginal)	1 (Remote (≤5%))

- 8.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

9 Recommendation

- 9.1 That the Policy & Resources Committee recommend to Full Council the Local Development Scheme as set out in Appendix 3.

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10 Background Papers

National Planning Policy Framework (2023)

Planning Practice Guidance

Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011)

Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

11 APPENDICES

Appendix 1: Implications of NPPF Consultation and Transitional Arrangements on Local Plan Progress (LPSC 17/10/2024)

Appendix 2: Local Development Scheme (March 2024)

Appendix 3: Recommended Local Development Scheme (November 2024)

