

Three Rivers District Council

Committee Report

Date 11th March 2024

Report Originator	Head of Service sponsor	Date Originated	
Lead Member Name:	Area of Responsibility:		
CMT Date:	20.02.2024		
JLT Date (if applicable):			
REASON FOR REPORT			
Reason	JLT/CMT Feedback for Officer and further instructions		Recommendation to JLT/CMT:
Consultees consulted	Finance Yes/No Date:	Legal Yes/No Date:	Head of Service/Other Yes/No Date:
Consultees to be consulted following CMT before report publication	Chief Executive	Shared Director of Finance	
PROPOSED ROUTE FOR FURTHER APPROVAL			
			Date
Committee: POLICY AND RESOURCES COMMITTEE			11.03.2024
Council (if required)			

POLICY AND RESOURCES COMMITTEE
11th March 2024

PART I

Local Development Scheme (LDS)
(EIP)

1 Summary

- 1.1 This report seeks Members' approval of a revised Local Development Scheme (LDS) to bring the Local Plan timetable in line with the Government's transitional arrangements for submitting Local Plans through the current system following the update to the National Planning Policy Framework in December 2023. This change is being proposed to ensure the Local Plan remains on course for 2026 Adoption as currently set out in the Council's extant LDS, dated December 2022 (See 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 DLUHC 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.
- 2.7 This report seeks Members approval of a revised LDS to bring the Local Plan timetable in line with the Government's transitional arrangements for submitting Local Plans through the current system following the update to the National Planning Policy Framework in December 2023. These arrangements set a deadline for submission of plans by 30 June 2025. Plans submitted after this date will be required to meet all the requirements set out in the Levelling Up and Regeneration Act which would cause further delays to the delivery of the plan.
- 2.8 The current LDS (December 2022) sets out the plan submission date as August/September 2025 which is after the submission deadline set out in the transitional arrangements. The updated LDS will move this submission date forward to June 2025 in order to meet the deadline.
- 2.9 The current LDS sets out the Regulation 19 pre-submission consultation will take place in August/September 2024. Officers believe that when taking into account the work that needs to be completed, timing of local elections, the committee timetable, and resourcing issues in the policy team that this is too soon.
- 2.10 It must be noted that when compared with the current LDS, the Regulation 19 consultation date of the proposed LDS is proposed to be pushed back (from August/September 2024 to September/October 2024), however, the submission date is being moved forward (from August/September 2025 to June 2025). The reason for the Regulation 19 consultation date being pushed back is due to the evidence work that still needs to be completed prior to the Regulation 19 consultation. Additionally, there is comparatively less work involved following the Regulation 19 consultation, which allows for the consultation date to be pushed

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

back slightly and the Local Plan still submitted to the Planning Inspectorate before the June 2025 deadline.

- 2.11 Officers originally proposed the Regulation 19 consultation to take place following Full Council at the end of October. This has been discussed with the Lead Member and at JLT. Members have raised concerns that the upcoming general election could potentially derail this timetable and would prefer the consultation to begin in September as this will potentially be before the general election is announced and pre-election period begins (which would delay decisions being made and therefore the Regulation 19 consultation). Officers have raised concerns that they may not be able to meet this earlier date, although Members support additional resources being brought in to help with this work. It is Officers views that any additional resource would be welcomed and needed in order to potentially meet the September deadline.
- 2.12 To alleviate Officers concerns regarding the September 2024 deadline for Regulation 19 Consultation, JLT agreed to providing further resources to the Planning Policy team to assist Officers with completing the required work before the September 2024 deadline. It has been agreed by JLT that the Regulation 19 Consultation will be agreed at the Policy and Resources Committee on 9th September 2024 and at a special Full Council on 10th September 2024. However, it must be noted that even with additional resources there is a possibility that Officers are unable to complete all the work necessary for the Regulation 19 consultation to be undertaken in September 2024.
- 2.13 Some 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 will result in delays to the Regulation 19 consultation as this work needs to feed into the plan.
- 2.14 The planning policy team has lost a couple of experienced members of staff in quick succession which affects the small team's ability to work efficiently. A Senior Planning Officer has been recruited from the Development Management team. However, although they have knowledge and experience in planning they have not worked on the policy side of planning previously. They will therefore require some training before they are fully up to speed. The Planning Officer has also now left the team and we are in the process of recruiting their replacement. At Planning Officer level their replacement will have little or no experience.
- 2.15 Officers have suggested re-engaging the Principal Planning Officer that had been working as a contractor until mid-January prior to the recruitment of a permanent Senior Planning Officer. This will mean they are able to hit the ground running as they are already aware of the work being undertaken and have knowledge of the area. Their hourly rate is £65 per hour (including agency fees) which equates to £2,437 per week. They are available to start from the 4th March, so there is a 30 week period from the 4th March until the proposed Regulation 19 start date in late September. £2,437 per week over 30 weeks gives a total of £73,110. This is not covered by existing budgets and as such additional monies would need to be made available to cover this additional resource.
- 2.16 The Local Development Scheme takes into consideration the time needed to report to the Local Plan Sub Committee and the current Committee Timetable.

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 2.

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 Securing additional resource in the Planning Policy team in order to increase the likelihood of achieving the proposed September Regulation 19 consultation deadline will require additional financial resource of £73,110. This has been agreed to be made available as part of the budget at Full Council on the 20th February 2024.

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 (tolerate, treat, terminate, transfer)	Risk Rating (combination of likelihood and impact)
Lack of an up-to-date LDS could lead to	Local Plan could be found not to be	Regularly review the LDS	Tolerate	Medium 6

legal challenge	'sound' at examination			
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)
- 3 (Critical)
- 2 (Significant)
- 1 (Marginal)

Likelihood Score

- 4 (Very Likely (≥80%))
- 3 (Likely (21-79%))
- 2 (Unlikely (6-20%))
- 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 2.

Report prepared by: Aaron Roberts, Senior Planning Policy Officer

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)

Local Development Scheme (December 2022)

11 APPENDICES

Appendix 1: Local Development Scheme (December 2022)

Appendix 2: Recommended Local Development Scheme (February 2024)

