



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 06 December 2022</b>	<b>Matter for Decision</b>
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**Report Title:** **Local Development Scheme (Winter 2022)**

**Report Author(s):** **Ed Morgan (Principal Planning Policy Officer)**

<b>Purpose of Report:</b>	This report has been produced to illustrate to Members the proposed revised timetable for the Council's new Local Plan process.
<b>Report Summary:</b>	<p>The Local Development Scheme (LDS) is a statutory document that is required by Government and needs to be kept up-to-date.</p> <p>In January 2021, the Government announced that all local planning authorities must have an up-to-date Plan by the end of year 2023. This has put tremendous pressure on all local authorities to ensure that they meet this deadline.</p> <p>There are a number of risks to meeting the milestones set out within the LDS, mainly, available time, staff resource and Duty to Cooperate delays.</p> <p>Although extremely challenging, the Council will continue to ensure that it is in the strongest position it can be when it comes to managing appropriate and inappropriate development proposals.</p>
<b>Recommendation(s):</b>	<p><b>A. That the content of the report be noted; and</b>  <b>B. That the Local Development Scheme 2022 (as set out in Appendix 1) be approved.</b></p>
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<b>Corporate Objectives:</b>	<p>Building, Protecting and Empowering Communities (CO1)  Growing the Borough Economically (CO2)  Providing Excellent Services (CO3)</p>
<b>Vision and Values:</b>	<p>"A Stronger Borough Together" (Vision)  Accountability (V1)  Respect (V2)</p>

	Teamwork (V3) Innovation (V4) Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.
Financial:	The implications are as set out at paragraph 4.7 of this report.
Corporate Risk Management:	Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report. EA not applicable
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications directly arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<b>1.</b> Local Development Scheme (Winter 2022)

## **1. Introduction – What is the Local Development Scheme?**

- 1.1 The Local Development Scheme (LDS) is a statutory document that is required by Government and needs to be kept up to date.
- 1.2 The LDS is a document that contains a local authority's timetable / programme of works for the production of their Development Plan and other planning related documents. The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires local planning authorities to prepare, maintain and publish an LDS. This enables local communities and stakeholders to find out which key planning documents are to be prepared for the area within the foreseeable future.
- 1.3 The Council seeks to update its LDS approximately every two to three years, with this LDS updating the Council's previously adopted LDS of 2021. This LDS will cover the period to autumn / winter 2024.
- 1.4 The new Local Plan timetable has been revised to take account of the delays experienced in strategic evidence base production across the Leicester and Leicestershire area and Leicester City's unmet need.

## **2. What is the focus of this Local Development Scheme?**

- 2.1 This LDS outlines the Council's timetable for producing the new Local Plan. It also makes reference, where relevant to other planning related documentation, such as Supplementary Planning Documents (SPD) (and planning guidance), however does not set out any specific programme for future SPD, due to the focus of resource being on the production of the new Local Plan.
- 2.2 Having such information and timetabling enables communities, businesses, developers, service and infrastructure providers and other interested organisations to know which part of the new Local Plan is being prepared for the Borough area and when they will be able to participate in each stage of public consultation. Public participation within the production of the Council's new Local Plan is absolute paramount.
- 2.3 The sole focus of the timetabling in the LDS is the new Local Plan production process. In 2021, the Government announced that all local planning authorities must have an up-to-date Plan by the end of year 2023. They did not however define what an up-to-date Plan would be or look like. Due to the lack of clarity, and the presence of Leicester City's unmet housing need; rather than waiting to find out whether or not the current Plan would still up-to-date in the year 2023, it was considered best to be proactive and start the new process.
- 2.4 The currently adopted Local Plan took circa 4-5 years to produce, which was much quicker than what most other local authorities took...the average being circa 7-8 years. However, to fulfil the Government deadline of the end of year 2023, the new Local Plan needs to be delivered in about 1 ¼ years from now.
- 2.5 Due to the delays experienced with the strategic evidence production, delivery of the new Local Plan in this short timescale is not possible. However, as previously mentioned, the decision was made to be proactive rather than reactive, to ensure that the Council is always in the strongest position it can be when it comes to managing sustainable development proposals and refusing unsustainable and unplanned development proposals.
- 2.6 The further the Council is along the production process of the new Local Plan, the stronger position the Council will be in come the end of the year 2023. Because the Council is being proactive and has a relatively recently adopted Local Plan already in place, it is highly unlikely that it will be criticised by either the Government, the Planning Inspectorate, or developers.

### **3. Key Stages of Production And Public Consultation**

- 3.1 The LDS (Appendix 1 to this report) on page 8, sets out a detailed programme of works, however for the purpose of this report it was felt that outlining the key milestones with a brief description of what each stage of consultation has already or is still to entail, would be beneficial.
- 3.2 Issues and Options (September to October 2021) – this public consultation stage was the Council setting out what it considered to be the issues and challenges over the next so many years up-to the year 2041 and what the Council considered to be the potential options to mitigate these issues, as well as asking the local community what they consider to be the issues and options to mitigate. For example, developers wanting to build smaller homes (issue); should the Council let this happen or have a policy requiring all new homes to be built to the nationally prescribed minimum space standards (potential options). Public participation within this round of consultation was positive and productive.
- 3.3 Preferred Options (July to September 2023) – this public consultation stage is the Council setting out what it considers to be the best options for mitigating issues and challenges. For example, developers wanting to build smaller homes (issue); the Council has a policy

requiring all new homes to be built at least to the nationally prescribed minimum space standards, so that all new homes built are of an adequate size and quality (preferred option).

3.4 Pre-submission (January to February 2024) – this is the final stage of public consultation and is essentially the new Local Plan that the Council wants to adopt and will be submitting to the Planning Inspectorate for Examination. The Plan will include all of the policies and guidance that the Council wishes to be contained within the Plan.

3.5 It should be noted, that alongside the production of the new Local Plan a plethora of evidence base will need to be produced to underpin all of the policies and guidance set out within the Plan.

#### **4. Resourcing And The Risks To Delivering The New Local Plan**

4.1 Due to the extremely tight timescales involved in producing the new Local Plan, the vast majority of the Planning Policy teams time over the next 2 years will need to be focussed on new Local Plan production.

4.2 In addition to the Planning Policy teams time, limited staff resources will be required from a number of other Council departments, including – the Planning Control team, the Economic Regeneration team, the Planning Technical and Administration team, as well as the ICT and Legal Departments.

4.3 Further, it is also essential that the production of the new Local Plan includes elected Member input within not only the formal key decision making stages, but also more ad-hoc, throughout the production process.

4.4 Page 12 of the LDS (Appendix 1 to this report) sets out the key risks that may well challenge the production process of the new Local Plan. The table in the document uses a traffic light system to illustrate the likelihood of risks outlined. For the purposes of this report only the two red or highly likely risks will be mentioned, however the LDS document (Appendix 1) sets out in detail many more potential risks.

4.5 Insufficient staff resource available – Currently the Planning Policy team is made up of 1 Principal Officer and 2 Officers. It is therefore imperative that the focus for the next 1 – 2 years is solely on new Local Plan production. In addition, should experienced staff leave the authority, recruiting equivalent experience and knowledge could be extremely challenging.

4.6 Duty to Cooperate delays – a number of the required pieces of evidence and strategies that will support the new Local Plan, are strategic in nature and involve all of the local authorities within Leicester and Leicestershire. Although the Leicester and Leicestershire local authorities work very well together, there inevitably has always been delays in joint evidence work due to governance processes and political sign-off. Over the past 12 to 18 months, there has been delays in the production of strategic evidence base for the Leicester and Leicestershire area. The delays are due to the complexity of the evidence base that is required and the sheer amount of information and local authorities involved. In addition, the declaration of Leicester City's unmet need, in relation to housing and employment, has meant additional pieces of evidence base have been required at the strategic level.

4.7 Loss of financial resource due to government funding cuts – The total cost of preparing the New Local Plan is estimated to be between £385,000 and £575,000. For budgeting purposes, the median position (the mid-point) has been used, therefore, £480,000 will be budgeted for to produce the New Local Plan. Currently, £270,000 is set aside in an earmarked reserve. To assist with the budget setting for 2022-23, no contribution was made to the earmarked reserve. To assist again with budget setting, the £210,000 required

will be split over the next two financial years, meaning that £105,000 is budgeted for in 2023-24 and £105,000 in 2024-25. Generally this cost tends to be at the lower end of the scale compared to other councils. This is a significant cost to Local authorities particularly in the light of reducing funding from central government. We manage this with prudent budgeting and spreading the cost over several years, particularly in our case where income from planning application fees arising from major planning applications is limited given the Borough's land and infrastructure constraints. The effect of this is that budget availability can have as big an influence on the timetable set out in the Local Development Scheme as other planning related matters, and may sometimes result in the need for the Council to amend the document.

## **5. Conclusion**

- 5.1 The revised timetable set out within the revised LDS is still extremely challenging but has been devised in attempt to be as far along in the plan production process as possible in order to be seen to be proactively aiming to meet the Government's requirement for all local authorities to have up-to-date Plans in place by the end of year 2023.
- 5.2 The Council will do all it can to achieve the goals set out within the revised LDS, as the further along the new Local Plan production process the Council is, the stronger position it will find itself in when managing appropriate and inappropriate development proposals.
- 5.3 There are a number of potential risks to the new Local Plan production process, and should any of these risks come to fruition that require an amendment to the LDS, Members will be notified and the LDS amended accordingly.
- 5.4 It should be stressed that the decision to continue at pace with the new Local Plan process has not been made because the current Local Plan is out of date. That is far from the case. The decision was made to begin the new process to ensure that the Council is always in the strongest position it can be.