

Harborough District Council



Report to Cabinet of the Council

Title:	Local Development Scheme update
Status:	Public
Key Decision:	No
Report Author:	Local Plan Project Officer, Joanne White
Portfolio Holder:	Planning Portfolio, Councillor Galton
Appendices:	Revised Local Development Scheme – Appendix A

Summary

- i) The Council is required to keep under review the key milestones in the local plan timetable and any changes in planning context, especially at sub-regional and national level.
- ii) Preparation of a new local plan currently faces two key challenges, which this update seeks to address.

Recommendations

That Cabinet resolve to:

- (1) Recommend to Council approval of the revised Local Development Scheme, set out at Appendix A.**
- (2) Delegate to the Director of Planning, in consultation with the Head of Legal Services and the Portfolio Holder for Planning, authority to:**
 - (a) Commission, negotiate, award, enter into and vary such arrangements and legal agreements as may be necessary or appropriate to deliver the Local Development Scheme.**
- (3) Delegate to the Director of Planning, in consultation with the Portfolio Holder for Planning, authority to:**
 - (a) Keep the Local Development Scheme under review as necessary and appropriate.**

Reasons for Recommendations

The last Local Development Scheme (LDS), published in July 2022, indicated that Regulation 18 (Issues & Options consultation) would be conducted in September/October 2023 and therefore it is now out-of-date.

This LDS update is to ensure that the timetable for local plan preparation remains up to date.

1. Purpose of Report

- 1.1. The Council has a duty to prepare, publish and maintain an LDS for the district.
- 1.2. The last LDS, published in July 2022, indicated that Regulation 18 (Issues & Options consultation) would be conducted in September/October 2023 and therefore it is now out-of-date.
- 1.3. This LDS update is to ensure that the timetable for local plan preparation remains up to date.

2. Background

- 2.1. In July 2021, Cabinet decided to begin the preparation of a new Local Plan. An integral part of the preparation of a new local plan is the formulation of a Local Development Scheme (LDS). The LDS sets out the timetable / route map for the preparation of the new Local Plan. The timetable identifies key dates and public consultation stages as well as outlining the subject matter and geographical extent of the plan.
- 2.2. By preparing and publishing the LDS, key stakeholders such as the local community, neighbouring authorities, infrastructure providers and developers can contribute to planning policies for the district. The LDS is also an opportunity to provide information on any Supplementary Planning Documents.
- 2.3. A new LDS was approved by Cabinet in September 2021, and was superseded in July 2022.
- 2.4. The Council is required to keep under review the key milestones in the timetable within the LDS; some changes in context, especially at sub-regional and national level, may be driven by circumstances beyond the authority's control.
- 2.5. The Council's existing LDS provides that the Council will submit its local plan for examination by 30 June 2025. This date is not changing. However, the timetable within the existing LDS requires updating to reflect that the Council will be issuing the Regulation 18 issues and options consultation slightly later than anticipated.

3. Details

3.1 The reprofiled timetable for the preparation of the local plan outlined in the proposed LDS takes into consideration both the national and local planning policy context, including:

Local Plan Policy IMR1: Implementation, monitoring and review

3.2 Local Plan Policy IMR1 sets out specific local triggers which would require a full or partial update of the Local Plan and associated timescales. Simply put, Policy IMR1 specifies that a review of the Local Plan will be commenced (i.e., publication of a Regulation 18 Issues and Options Consultation¹) within 6 months of any three possible triggers:

- A) The adoption by the Council of a Memorandum of Understanding (MOU) or Statement of Common Ground (SoCG) which proposes a significantly higher quantity of housing or employment development to 2031, than the housing or employment need already identified in the adopted Local Plan; or
- B) 12 months from the date of publication of a Local Plan for Leicester City Council (defined as publication of a Regulation 19 consultation²) which includes satisfactory evidence of an unmet local housing need; or
- C) Conclusion of a review in relation to specific trigger points, such as significant and persistent shortfalls in the delivery or supply of housing when measured against the adopted housing requirement.

3.3 The updated LDS takes into account the publication of Leicester City Council's Regulation 19 local plan consultation on 16 January 2022, with an evidenced unmet local housing need (which is also set out in a Statement of Common Ground which is being considered by Council on 6 November 2023).

3.4 The proposed updated LDS meets the requirements of Local Plan Policy IMR1 and will facilitate a new local plan being submitted for public examination by 30 June 2025.

Levelling-up and Regeneration Act 2023

3.5 The Levelling Up and Regeneration Act 2023 ('LURA') has changed the statutory framework for the 'making' of local plans. It provides for a period of transition for local authorities who have been progressing preparation of their local plan under the current plan making system. The transition period requires the Council to submit its local plan for examination by 30 June 2025 – the date in the existing LDS. To achieve that deadline, the Council needs to progress the preparation of the new local plan.

3.6 The transitional arrangements tabled by government state that Local Planning Authorities who do not submit a new plan by 30 June 2025, will have to operate within the reformed planning system.

3.7 The Government is proposing transitional arrangements to enable up to date plans which become more than five years old during the first 30 months of the new system to be

¹ Regulation 18 of the Town and Country (Local Planning) (England) Regulations 2012

² Regulation 19 of the Town and Country (Local Planning) (England) Regulations 2012

protected from speculative development. This will not protect the Council's current local plan which was adopted on 30 April 2019 and will become five years old before new arrangements are expected to be in place. The current local plan will therefore remain out of date until replaced by a new local plan. If the 30 June 2025 deadline is not met, this could potentially be as late as 2029 or 2030. That would place the district at considerable risk of speculative development over a period of several years and is not recommended.

- 3.8 Furthermore, Government proposals will remove local authority controls for deciding when a new local plan should be commenced. This means that even if Council's monitoring indicators highlight that there is a need to start a new local plan, work cannot begin until the Authority receives instructions, or approval, to do so from central government. Consultation proposals also make clear the government's intention to dictate local plan preparation timetables and the associated programme of public consultations to be undertaken.
- 3.9 Local Planning Authorities like Harborough will be grouped or 'batched' according to their plan-making track record and adoption date of their last adopted local plan. The government intends to ensure that the first 'batch' of local plans to be prepared under the new system will comprise authorities without a current adopted plan.
- 3.10 Future 'batches' of authorities will be instructed to commence local plans chronologically, according to previous adoption date. In view of Harborough District Council's strong track record of local plan preparation and adoptions, and strong track record of housing delivery, there will be a considerable wait until called upon to start a new local plan (unlikely to be asked to start a new local plan before 2027).
- 3.11 The Government has indicated that it will introduce protections for plans which become more than five years old during the first 30 months of the new system (i.e., between 1 July 2025 and January 2028 if the transition date is not altered). This protection is intended to reduce speculative development. This protection would not however apply to the Council's plan as it was adopted on 30 April 2019. It will therefore be more than five years old (and therefore out of date) and remain out of date until replaced by a new local plan.
- 3.12 The reprofiled LDS timetable set out at Appendix A will enable a new plan to be submitted for public examination under the current plan-making system as anticipated by 30 June 2025. A thorough and comprehensive project management led approach has been put in place to mitigate any such circumstances as much as possible.
- 3.13 Failure to submit the local plan for examination by 30 June 2025 may lead to the Council having an out-of-date local plan and no statutory protection until 2029 or 2030 because of the impact of LURA. That would place the district at considerable risk of speculative development over a period of several years and is not recommended.

4. Implications of Decisions

Corporate Priorities

- 4.1 The LDS will support delivery of a new Local Plan which in turn will support all four priorities in Corporate Plan 2022-2031: -
- Place and Community: Leading across the local community to create a sense of pride and belonging. CO1, CO2, CO3, CO5.
 - Healthy Lives: Promoting health and wellbeing, encouraging healthy life choices. CO6, CO7, CO8.
 - Environment and sustainability: Creating a sustainable environment to protect future generations. CO11, CO12, CO14, CO16.
 - Economy: Supporting businesses and residents to deliver a prosperous local economy. CO17, CO18, CO23.

Consultation

- 4.2. There is no requirement for public consultation on the LDS. The LDS will be published on the Council's website.

Financial

- 4.3. There are significant resource and financial implications due to incredibly tight local plan preparation timescales, to meet the government deadline to submit a new local plan by 30 June 2025, for Examination under the current legal framework.
- 4.4. Financial implications are to be considered by the Council's Cabinet on 27 November 2023, under a separate agenda item entitled, 'New Local Plan Resources'.

Legal

- 4.5. The requirement to publish and keep under review the LDS is set out in section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 4.6. Preparation of the new Local Plan will take place in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The Planning and Compulsory Purchase Act 2004 places a duty on local authorities to carry out plan-making.

Environmental Implications

- 4.7. The LDS will support delivery of the Local Plan. The new Local Plan will have implications in relation to the spatial planning of the district. The wider environmental implications of the scale and distribution of development and associated supporting infrastructure will be assessed through the Sustainability Appraisal of the Local Plan, which incorporates the requirements of the SEA Directive.

Risk Management

- 4.8. The updated LDS is an important step in the preparation of the new local plan. The LDS helps the Council to manage the risks associated with preparing a new local plan within the reprofiled LDS timeframe, including:
- The proposed LDS local plan preparation timetable confirms that the new local plan will be submitted for examination in June 2025, which accords with the government's deadline for plans to be submitted for examination under the current plan-making system.
 - Triggers which specify the circumstances in which the Authority will need to prepare a new local plan (as outlined in local plan policy IMR1) have been activated, since Leicester City Council published its Regulation 19 in January 2022.
 - Ensuring the local plan remains up to date.
 - Provision of certainty to key stakeholders, including partners, infrastructure providers and site promoters, enabling effective collaboration.
 - Ensures compliance with the regulatory framework for Local Plans.
- 4.9 Preparation of the local plan is technically complex process which draws upon a high number of both internal and external expertise. This reliance increases the risk of delay in the event that partners, consultancy support or statutory bodies are unable to meet tight deadlines. In the event that submission by 30 June 2025 does not prove achievable the work will not be wasted. Instead the draft Local Plan, evidence and supporting documents underpinning it would be used to prepare a new local plan under the new planning system, with the necessary reviews and updates undertaken.

Equalities Impact

- 4.10. The LDS will support delivery of the Local Plan. An Equalities Impact Assessment (EIA) for the Local Plan will be prepared and regularly reviewed as part of the Local Plan making process. In addition, an EIA will be prepared for each public consultation stage.

Data Protection

- 4.11 The LDS will support delivery of the Local Plan. Any consultation on the Local Plan will be carried out in compliance with the provisions of the UK General Data Protection Regulations and the Data Protection Act 2018.

5. Alternative Options Considered

- 5.1. Option 1: Cabinet agree the revised LDS. This is the recommended option.
- 5.2 Option 2: Cabinet does not agree the LDS. This is not the recommended option because it will produce uncertainty and significant risk for the Authority in preparation and Submission of a new Local Plan, by the government deadline of 30 June 2025.

6. Recommendation

That Cabinet resolve to:

- (1) Recommend to Council approval of the revised Local Development Scheme, set out at Appendix A.
- (2) Delegate to the Director of Planning, in consultation with the Head of Legal Services and the Portfolio Holder for Planning, authority to:

- a) Commission, negotiate, award, enter into and vary such arrangements and legal agreements as may be necessary or appropriate to deliver the Local Development Scheme.

(3) Delegate to the Director of Planning, in consultation with the Portfolio Holder for Planning, authority to:

- a) Keep the Local Development Scheme under review as necessary and appropriate.

7. Background papers

7.1 Previous reports and links to referenced documents:

- Review of the adopted Harborough Local Plan: Cabinet 5 July 2021.
- Local Development Scheme for the new Local Plan: Cabinet 6 September 2021.
- Local Development Scheme for the new Local Plan: Cabinet 4 July 2022

Above reports are available here: <https://cmis.harborough.gov.uk/cmis5/Meetings.aspx>

- Current LDS: <http://www.harborough.gov.uk/local-development-scheme>
- Government consultation, July-Oct 2023: [Levelling-up and Regeneration Bill: Consultation on implementation of plan-making reforms](#)

The Government Consultation is now closed but available to view online here:

<https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms>

