



REPORT of INTERIM HEAD OF PLANNING SERVICES

**to
COUNCIL
16 FEBRUARY 2017**

LOCAL DEVELOPMENT SCHEME 2017

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek endorsement for an update to the Local Development Scheme (LDS) following the recent Examination in Public (EiP) into the Maldon District Local Development Plan (LDP). The new LDS will replace the updated document approved by the Planning and Licensing Committee on 5 March 2015 (Minute No. 877 / 2015 refers). The LDS will take into consideration the revised timetable for the progression of the Local Development Plan and other planning policy documents.

2. RECOMMENDATION

That the revised Local Development Scheme, attached as **APPENDIX A** to this report, be approved.

3. SUMMARY OF KEY ISSUES

3.1 Local Development Scheme

- 3.1.1 The Planning and Compulsory Purchase Act 2004 (as amended) requires every planning authority to prepare a Local Development Scheme which sets out the programme for the preparation of Local Development Documents (LDDs). The LDS is a public statement identifying which LDDs will be produced, and in what order and when. The scheme includes milestones to inform the public and stakeholders when consultation and other stages of the plan preparations will take place. It will also serve as a project management tool for budgeting and resource planning for the Council.
- 3.1.2 The Council's Local Development Scheme is required to be in place at the submission for Examination of the LDP to the Secretary of State. The LDS was therefore, approved in January 2014. It was revised in March 2015. At the recent further hearings into the LDP, the Inspector, Mr Simon Berkeley, requested that the LDS be updated further to take account of the new timetable and to enable him to refer to it in his report.
- 3.1.3 In his closing statement at the Examination Hearings, held between 10 and 19 January 2017, the Inspector advised that he could not give a definitive timetable for the

completion of his report, its submission to the Secretary of State and the publication of the secretary of State's report and decision on the local plan. Timing will also be affected by the timetable for the Council to publish further modifications for the Plan, including six weeks public consultation – subject to a separate report at this Council meeting. The LDS has assumed that the modifications will be subject to public consultation from late February 2017 to early April 2017, with the Secretary of State's decision on the Plan in the Spring / Summer. It anticipates the Plan being approved for Adoption.

- 3.1.4 The LDS will also take into account the recommendation from the Planning and Licensing Committee not to proceed with the Site Allocations Development Plan Document (DPD) (19 January 2017 – Agenda Item 6). That decision is subject to a separate report to this Council meeting, but if ratified the Council will no longer prepare the DPD which would have included rural housing and employment site allocations, and gypsy and traveller site allocations.
- 3.1.5 This LDS lists the documents to be prepared by this Council and when, the likely contents, resources needed for their preparations and the likely risks associated with preparing them.
- 3.1.6 The LDS includes the timetables for new supplementary planning documents, some of which are under preparation – i.e. the Central Area Master Plan – and new Supplementary Planning Documents (SPDs) are recommended for Renewable Energy (new) and Affordable Housing (last reviewed in 2005), and a review of the Vehicle Parking Standards (2006).
- 3.1.7 Officers also recommend a review of the Council's Statement of Community Involvement (SCI) which is now ten years old since it was originally prepared albeit subject to an addendum in 2012. The review would take account of new forms of communication and engagement and Neighbourhood Planning.
- 3.1.8 The LDS has to be kept up to date as much as possible.

3.2 Implications for the LDP and other Documents

- 3.2.1 There is a statutory requirement that the LDS should be in place at all times.
- 3.2.2 The LDS not being in place deprives the local community and other stakeholders of the necessary information about the documents that the Council will be preparing, when they are to be prepared and when the people are to be consulted on such documents.
- 3.2.3 The LDS not being in place as soon as possible may have a delaying impact on the completion of the work of the Inspector to the Examination-in-Public on the Local Development Plan.

4. CONCLUSION

- 4.1 Preparing and putting in place the LDS is a statutory requirement which the Council has to comply with. The LDS to be kept up to date to inform members of the public

and other stakeholders of the documents that the Council intends to prepare and when. The availability of the LDS is compliance to statutory requirement relating to the preparation of local development documents.

- 4.2 Approving the LDS will provide the Council with a programme for the preparation of planning policy documents and it will form the basis for resource planning and Committee agenda planning.
- 4.3 Having a suite of up to date and sound planning documents in place will provide the Council with the means to defend against inappropriate development and secure the best appropriate development to the highest standards.

5. IMPACT ON CORPORATE GOALS

5.1 The Local Development scheme is the key document that provides a timetable for the preparation of planning policy and guidance in the District. It will provide greater certainty in decision making. The LDS and resultant documents will support the following corporate goals which underpin the Council's vision for the District:

- Strengthening communities to be safe, active and healthy;
- Protecting and shaping the District;
- Creating opportunities for economic growth and prosperity;
- Delivering good quality, cost effective and valued services; and
- Focusing on key projects

6. IMPLICATIONS

- (i) **Impact on Customers** – The Local Development Scheme provides custom with a programme for the preparation of planning policy documents. As the LDS forms the basis for resource planning, it will provide assurances that the Council does have the resources in place to provide a robust policy and guidance framework to protect the district from inappropriate development.
- (ii) **Impact on Equalities** – Planning policy documents, at District and local area level, have the potential to identify and manage local equalities issues and must be prepared taking into account relevant equalities legislation. They should also be subject to an Equalities Impact Assessment.
- (iii) **Impact on Risk** – The LDS sets out the risks for the preparation of planning policy documents. This assessment includes an assessment of impact and contingencies that are in place or can be put in place to minimise the risk. The risk of not having an LDS is that the Council cannot properly plan its resources for the delivery of robust planning policy and guidance.
- (iv) **Impact on Resources (financial)** – The LDS is being used to provide a comprehensive resource plan for the delivery of the policy and guidance documents. This plan will inform the Council's financial strategy and annual budget setting. By reviewing the LDS on a regular basis, the Council can

foresee any changes in expenditure and its impact on the Council's overall financial position.

- (v) **Impact on Resources (human)** – The LDS enables the Council to ensure that it has the most appropriate level of staff resources to deliver planning policy and guidance documents. This enables resources to be better managed and the flexible use of staff to meet demands and support other parts of the Council's Planning Services. It will also help with recruitment and career progression, by providing a clear programme of work for prospective and existing staff.
- (vi) **Impact on the Environment** – It is important that the Council adopts its Local Development Framework to add greater certainty to planning decisions and provide a framework for neighbourhood plans that enables such plans to be prepared positively and with local community involvement.

Background Papers: The Local Development Scheme 2015

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