

BRECKLAND DISTRICT COUNCIL

Report of: Cllr Gordon Bambridge - Executive Member for Growth

To: Cabinet – 1st May 2018

Author: Jemma March - Planning Policy Team Leader

Subject: Breckland Local Development Scheme

Purpose: The purpose of this report is to update the Local Development Scheme

Recommendation(s): It is recommended that Members approve Option 1 (as set out at para 2.1) and that the Local Development Scheme, which has effect from 1st May 2018, is published.

1.0 **BACKGROUND**

1.1 Local Authorities are required to prepare a Local Development Scheme (LDS) through section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). A Local Development Scheme is the Council's public-facing timetable against which Local Development Documents (in this case the Local Plan) are prepared. The Planning and Compulsory Purchase Act sets out the requirements for the LDS that they must specify:

- The documents which are to be local development documents
- The subject matter and geographical area to which each document relates
- The timetable for the preparation and revision of the documents

1.2 The proposed LDS can be seen at appendix A of this document. This is the Council's eighth revision to the LDS since they were introduced in 2004, noting that the first iterations covered the previous Local Development Framework. Local Authorities are also required to monitor the progress of preparation of the Local Plan.

1.3 In the current (seventh revision) of the LDS, the production timeline for the Local Plan is no longer in date as the programme shows that the Local Plan was submitted to the Secretary of State in October 2017 which is a month behind actual submission (30/11/17). Further, the proposed adoption date is not achievable as the hearing sessions were tabled to start later than was programmed in the LDS.

1.4 The Inspector Jonathan Manning BSc (Hons) MA MRTPI conducting the independent Examination of the Local Plan has requested that the Council supply a revised LDS which documents the actual date of submission and an updated timeframe for subsequent stages and adoption. Therefore, the latest LDS has been revised to reflect the current position of the Local Plan, and ensure that the Local Plan is legally compliant for the purpose of the Local Plan Examination.

Proposed Local Plan Timetable

1.5 Significant progress has already been made on the preparation of the Local Plan, including three rounds of public consultation (made under Regulation 18), the third of which closed in October 2016. The milestones for the Local Plan as set out within the LDS, are as follows:

- Submission to the Planning Inspectorate: November 2017
- Examination in Public: April, May June and July 2018*
- Post hearing consultation: August-September 2018*
- Inspectors Report: November 2018*
- Adoption: December 2018*

*Note –dates will be dependant on the progress of the Examination and the ability of the Planning Inspectorate to complete the report.

- 1.6 Following the submission of the document to the Planning Inspectorate, the timetable for the examination post submission is determined by them. Performance on the delivery of local development documents against the LDS will be kept under review through the Council's Annual Monitoring Report.

Reasons for Changes to the timeline

- 1.7 The timeline for the remaining stages of the production of the Local Plan represents an estimation based on available information at the time and consideration of the standardised timetable produced by the Planning Advisory Service. This is always a difficult timeline to predict as once the plan has been submitted the commencement of hearing sessions is dependant on the availability of the externally appointed Inspector. The date of submission slipped by one month due to additional time required to summarise, provide responses for and fully consider the representations made at Pre-Submission Publication Stage to determine whether there were any issues which would affect the soundness of the plan at examination. It was concluded that there was no significant issues that necessitated delay of the submission of the plan and therefore it was submitted to the Secretary of State on 30th November 2017.
- 1.8 The availability of the Inspector appointed by PINS to conduct the hearing sessions was determined following submission of the plan in November 2017. The hearing sessions were programmed to be undertaken in April and May 2018; however, the timetable was revised again to ensure that the correct list of contacts had received an invitation to participate in the hearing sessions. The programme for the hearing sessions now starts 17th April 2018 and is due to conclude on 8th June 2018 albeit the Inspector has indicated the potential for some additional sessions to be added beyond this.
- 1.9 Therefore, the updated timetable set out in this report represents the most reasonable estimate of the remaining stages of examination and adoption of the plan, subject to no additional delay as a result of issues raised during the examination hearing sessions.

Summary of changes

- 1.10 The key changes to the LDS in the eighth revision are as follows:
- Revision to Figure 1 – Schedule of Proposed Documents to reflect accurate submission date and a realistic timeline of the remaining stages of the Local Plan examination.
 - Update to the supporting text to reflect the revised timetable.
 - Revision to the Section 5 – Risks to reflect the progress of the Local Plan and that some of the previously identified risks are no longer applicable. Previously there were identified risks relating to the evidence base, changes to National Policy and Habitats Regulation Assessment which are not considered to be key risks post submission. The key risk identified at this stage is further work arising from the examination hearing sessions and the potential need for one or more additional

hearing sessions not currently programmed. The timeline could potentially be subject to change dependant on whether further work is required and whether this can be produced in the current timeframe for the examination or whether the Inspector requires more time to consider additional work produced and this triggers the need for any new, currently unscheduled hearing sessions.

The LDS also retains information carried forward from the previous iteration in relation to the Council's commitment to produce a Design SPD. It is still anticipated that preparatory work on the SPD will begin after the Examination of the Local Plan.

2.0 OPTIONS

2.1 There are three options available to Members:

- Option 1: Members resolve to approve the eighth revision of the LDS (as appendix A) and give it effect from 1st May 2018
- Option 2: Members do not resolve to agree the revised LDS.

3.0 REASONS FOR RECOMMENDATION(S)

3.1 Members are recommended to resolve to approve option 1. Endorsing option 1 will satisfy the Inspector conducting the Local Plan examination that the Local Plan meets the legal requirements under the Planning and Compulsory Purchase Act (2004) S.19 (1) which states that Local Development Documents must be prepared in accordance with the Local Development Scheme.

3.2 Should Members resolve to approve Option 2, there is a risk that the Inspector will determine the Breckland Local Plan does not meet the legal requirements of the Planning and Compulsory Purchase Act (2004) and this may raise soundness issues.

4.0 EXPECTED BENEFITS

4.1 The expected benefit of ratifying the recommended approach is that it will satisfy the Inspectors direct request for a revised LDS to aid the examination of the Breckland Local Plan. It also sets out a clear and accurate timetable for the remaining stages of the examination and adoption of the Local Plan and meets the requirements of Section 15(2) and 19(1) of the Planning and Compulsory Purchase Act (2004).

5.0 IMPLICATIONS

5.1 Carbon Footprint / Environmental Issues

5.1.1 It is the opinion of the Report Author that there are no implications.

5.2 Constitution & Legal

3.3 To ensure that the Local Plan meets the legal requirements under the Planning and Compulsory Purchase Act (2004) S.19 (1) the plan must be prepared in accordance with the Local Development Scheme.

5.3 Contracts

5.3.1 It is the opinion of the Report Author that there are no implications.

5.4 Corporate Priorities

5.4.1 The LDS sets the time line for the production of the Local Plan. The Local Plan aligns with the following corporate priorities: Supporting Breckland to develop and thrive; providing the right services at the right time and in the right way; developing the local economy to be vibrant with continued growth and enabling stronger, more independent communities. The production also aligns with the priority of enabling effective planning and delivery of housing solutions to meet local needs.

5.5 Crime and Disorder

5.5.1 It is the opinion of the Report Author that there are no implications

5.6 Equality and Diversity / Human Rights

5.6.1 It is the opinion of the Report Author that there are no implications.

5.7 Financial

5.7.1 It is the opinion of the Report Author that there are no implications.

5.8 Health & Wellbeing

5.8.1 It is the opinion of the Report Author that there are no implications.

5.9 Risk Management

5.9.1 The LDS identifies a number of risks to the delivery of the Local Plan, which are set out within appendix A. This includes changes to national planning policy and staff resources.

5.10 Safeguarding

5.10.1 It is the opinion of the Report Author that there are no implications.

5.11 Staffing

5.11.1 It is the opinion of the Report Author that there are no implications.

5.12 Stakeholders / Consultation / Timescales

5.12.1 The LDS sets out the timeline for the remaining stages of examination and adoption of the Local Plan. The timetable does set an anticipated timescale for consultation on main modifications to the Local Plan.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 The LDS sets out the timescale for the preparation and adoption of the Local Plan. All wards in Breckland are affected by the Local Plan.

7.0 ACRONYMS

7.1 LDS: Local Development Scheme

Background papers:- [See The Committee Report Guide](#)

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Key Decision: Yes

Exempt Decision: Yes

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A : Breckland Local Plan Local Development Scheme