

BRECKLAND DISTRICT COUNCIL

Report of: Cllr Gordon Bambridge - Executive Member for Growth

To: Cabinet – 4th September 2018

Author: Jemma March - Principal Planning Policy Officer/Team Leader (Capita)

Subject: Breckland Local Development Scheme

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

<p>Recommendation(s): It is recommended that Members endorse option 1 and the Local Development Scheme is published.</p>

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 ninth 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 (eighth revision) of the LDS, the production timeline for the Local Plan is no longer in date as the programme shows additional hearing sessions would be held in July and a consultation held on modifications to the plan in August and September 2018. This was an accurate prediction of the timescale at the time the eighth revision was produced based on the scheduled hearing sessions and timescale for homework. However, the scale of additional work requested by the Inspector during the scheduled hearing sessions has resulted in a delay to the timeline as this additional material is subject to consultation and examination at further hearing sessions scheduled for 18th – 20th September (reserve session 21st Sept). The proposed adoption date is not considered to be achievable, and therefore a revision to the LDS is required to ensure that production of the plan is found to be in compliance with the Councils LDS.
- 1.4 The unpredictable nature of the examination, in terms of the outcome of hearing sessions and potential for further work was highlighted as a risk to delay in the eighth revision of the LDS in May. This was communicated to members at the Cabinet meeting held 1st May 2018.
- 1.5 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 a more realistic 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

- 1.6 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 and June 2018
 - Further hearing sessions: Sept 2018
 - Post hearing consultation: November - December 2018
 - Inspectors Report: February 2019
 - Adoption: March 2019
- 1.7 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

- 1.8 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. It is also difficult to assess the outcome of hearing sessions, which in some cases
- 1.9 The hearing sessions were programmed to begin 17th April 2018 and conclude on 8th June 2018. These sessions were held according to schedule and covered the Matters, Issues and Questions identified by the Inspector. As a result of the discussion during the hearing session, there were a number of subject areas where the Inspector considered more detailed information or revisions to policies were required in order to conclude on those particular matters and issues. In some cases further information was required which has been submitted in the form of topic papers, in other cases, modifications to policies was requested in order for the plan to be found sound. The Council submitted the additional documents requested on an agreed deadline on 29th June 2018. The Inspector requires for this additional material to be subject to consultation with participants in the Examination, and will supply additional questions to inform discussion at further hearing sessions which are scheduled for September 2018.
- 1.10 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 extra examination hearing sessions. Whilst there is always a risk that the LDS may have to be revisited during the examination period, the risk is thought to be minimal at this stage as the Inspector has had the opportunity to examine in public all Matters and Issues that he originally identified in his statement in March 2018, and the additional week of hearing sessions in September is due to conclude Matters for which he required further information.

Summary of changes

- 1.11 The key changes to the LDS in the ninth 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.
- Change to key date of adoption estimated at March 2019.

2.0 **OPTIONS**

2.1 There are three options available to Members:

- Option 1: Members resolve to agree the revised LDS (as appendix A) and give it effect from September 2018.
- Option 2: Members resolve to agree the revised LDS (as appendix A) subject to any amendments of the Cabinet and give it effect from September 2018.
- Option 3: 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 endorse Option 3, 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 therefore the Local Plan cannot be recommended for adoption by the Council. Non adoption of the Local Plan would result in a lack of up to date local planning policies, a lack of a 5 year land supply of housing sites and a financial loss in resourcing the plan over the previous 5 years.

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**

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

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, staff resources and the outcome of further hearing sessions.

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

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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