

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

| | |
|---|--|
| TO: Council | REPORT NUMBER: MC/19/49 |
| FROM: Cabinet Members for Planning | DATE OF MEETING: BDC – 21 July 2020 MSDC – 23 July 2020 |
| OFFICER: Robert Hobbs – Corporate Manager – Strategic Planning | |

LOCAL DEVELOPMENT SCHEME UPDATE

1. PURPOSE OF REPORT

- 1.1 To approve the Babergh and Mid Suffolk Local Development Scheme Update (July 2020).
- 1.2 The Councils are legally required to prepare and maintain a Local Development Scheme (LDS), which is the local planning authority's work programme for the preparation of development plan documents.
- 1.3 A review of the LDS is proposed to revise the timetable for the preparation of the Joint Local Plan to reflect the current position, following public consultation undertaken on a Preferred Options document (July 2019).
- 1.4 This review identifies a proposal for submission of the draft Joint Local Plan this winter to the Secretary of State for Examination. The Councils undertook public consultation on a Regulation 18 Preferred Options document between 22nd July and 30th September 2019. A series of cross-party Member Working Group meetings have taken place between December 2019 and May 2020 to discuss key matters arising from the consultation. The strategic planning team are now drafting the next version of the plan, alongside further Sustainability Appraisal work and evidence base work arising from the previous consultation.
- 1.5 The timescales proposed within the revised LDS necessarily assume that no major revisions to the draft Joint Local Plan are required as a result of the ongoing Sustainability Appraisal work, evidence base work or changes made to the Planning regime by Government.
- 1.6 The LDS also introduces a review of the Babergh and Mid Suffolk Community Infrastructure Levy (CIL) Charging Schedules.

2. OPTIONS CONSIDERED

- 2.1 To not adopt a revised LDS for the preparation of the Joint Local Plan until the current work is complete, the impact of Covid-19 on issues such as viability are known and Government intentions (Planning White Paper) are clear. Due to the nature of these variables and as the current LDS is out of date it is not recommended to further delay publication of an updated LDS.

| |
|--|
| 3. RECOMMENDATION |
| 3.1 That the Babergh and Mid Suffolk Local Development Scheme (July 2020) (appendix A) is agreed to be brought into effect from 31 st July 2020. |
| REASON FOR DECISION |
| To bring the timetable for the preparation of the Joint Local Plan up-to-date and to set out the timetable for the review of the CIL Charging Schedules. The Local Development Scheme will be referred to at the Joint Local Plan Examination in Public stage. |

4. KEY INFORMATION

- 4.1 The existing LDS published in July 2018 identifies a timetable for the preparation of the Joint Local Plan that is now out-of-date.
- 4.2 The draft LDS (appendix A) provides a revised timetable for the adoption of the Joint Local Plan. The key milestone for which would be Council meetings in November 2020, consultation Autumn 2020 and submission of the Joint Local Plan to the Secretary of State in Winter 2020/21 for an Examination in Public.
- 4.3 Once the LDS is submitted to the Secretary of State, the Examination timetable is set by the independently appointed Planning Inspector.
- 4.4 The LDS also introduces a new end date of the Joint Local Plan of 2037, which is 15 years after the date of the proposed adoption. The National Planning Policy Framework (2019) requires Local Plans to plan to an end date of at least 15 years from the date of adoption.
- 4.5 At the point of the publication of a Regulation 19 draft submission version of the Joint Local Plan, it will be material and have greater weight in the determination of planning applications. A technical public consultation on the appropriateness of the plan, referred to as 'soundness', and its legal compliance is then undertaken where representations are invited. Representations are then submitted with the Joint Local Plan and other key documents to the Government for an Examination in Public.
- 4.6 Following comments received to the Preferred Options consultation in 2019 from statutory consultees, further evidence base work has been commissioned including heritage and landscape assessments, a strategic flood risk assessment, a water cycle study, and further transport modelling assessment. The impact of Covid-19 on the viability and therefore deliverability of the Joint Local Plan will also need to be assessed. Further Sustainability Appraisal work is currently being undertaken, also responding to the Scoping Report consultation carried out in March and April 2020.
- 4.7 The LDS also introduces the CIL Charging Schedules review and outlines the timetable and stages for the preparation of revised CIL Charging Schedules.

5. LINKS TO THE CORPORATE PLAN

- 5.1 The LDS sets out the preparation of the Joint Local Plan, CIL Charging Schedules and Neighbourhood Plans within the two Districts, which enable the Councils to fulfil their corporate priorities in terms of housing, the economy, the environment, communities and wellbeing.

6. FINANCIAL IMPLICATIONS

- 6.1 There is an annual budget to support the technical evidence (consultancy work) across both Babergh and Mid Suffolk District Councils, which totals £112,970 a year and is added to by any unspent funding from previous years. There is additional budget for any legal expenses necessary to support the preparation of the Joint Local Plan. Examination costs for both the Joint Local Plan and the Community Infrastructure Levy Charging Schedules will be met through the 2021/22 Budget.
- 6.2 Joint Local Plan Examination costs will occur when the Examination in Public takes place and will include the Inspector's costs as well as the cost of appointing a Programme Officer to support the Examination, which is required. There will also be consultant costs to support the Examination.
- 6.3 Community Infrastructure Levy Charging Schedule Examination costs will occur when the Examination in Public takes place and will include the Examiner's costs as well as the cost of appointing a Programme Officer to support the Examination, which is required. There will also be consultant costs to support the Examination.

7. LEGAL IMPLICATIONS

- 7.1 In accordance with section 15 of the Planning and Compulsory Purchase Act 2004 (as amended), the LDS must be revised at such times as the Local Planning Authority thinks appropriate or at the direction of the Secretary of State. To bring the LDS into effect, the Local Planning Authority must resolve that the scheme to have effect, and in the resolution, specify the date from which the scheme is to have effect.
- 7.2 The Planning and Compulsory Purchase Act 2004 also requires Local Planning Authorities to prepare Local Plans. The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the procedures to be followed in the preparation of Local Plans.
- 7.3 Every local plan must be informed and accompanied by a Sustainability Appraisal, which also incorporates Strategic Environmental Assessment (SEA) to meet the statutory requirement that a Local Plan is subject to the process of environmental assessment as set out the SEA Regulations 2004.
- 7.4 The Joint Local Plan is also subject to a Habitats Regulations Assessment.
- 7.5 Before any Local Plan can be ready for publication at Regulation 19, it is necessary that the requirements of the above pieces of legislation have been met and can be demonstrated through the Joint Local Plan and supporting assessments.
- 7.6 The Community Infrastructure Levy (CIL) Charging Schedule is defined by section 211(1) of the Planning Act 2008. The preparation of a CIL Charging Schedule is undertaken in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8. RISK MANAGEMENT

8.1 The report impacts upon the following Corporate / Significant Business Risks:

- 1 (not having an up to date understanding of housing need and demand).
- 2 (not having a sufficient, appropriate supply of land available in the right locations).
- 3 (not being able to meet the Government's Housing Delivery Test).
- 4 (development may be unsustainable if we do not secure investment in infrastructure).
- 7 (lack of workspace delivered in districts due to market failure).
- 9 (not being able to help communities become more sustainable).

Other key risks are set out below:

| Risk Description | Likelihood | Impact | Mitigation Measures |
|---|--------------|--------------|--|
| Legal requirement to have an up to date published LDS when consulting on the Joint Local Plan. The consequence of not having one would mean the plan would not proceed through Examination. | Unlikely (2) | Disaster (4) | Producing an LDS prior to the publication of the next stage of consultation. |

9. CONSULTATIONS

9.1 There are no statutory requirements for public consultation as part of the preparation of an LDS.

10. EQUALITY ANALYSIS

10.1 An Equality Impact Assessment (EIA) is not required. This has been undertaken for the Joint Local Plan.

11. ENVIRONMENTAL IMPLICATIONS

11.1 The Joint Local Plan will be accompanied by a Strategic Environment Assessment incorporating a Sustainability Appraisal document. An Appropriate Assessment will also accompany the Joint Local Plan as required by a Habitats Regulations Assessment to identify the impact of the Plan on Protected Habitats and appropriate mitigation.

12. APPENDICES

| Title | Location |
|---|----------|
| (a) Proposed Babergh and Mid Suffolk Joint Local Development Scheme (July 2020) | Enclosed |

13. BACKGROUND DOCUMENTS

13.1 Babergh and Mid Suffolk Joint Local Development Scheme (July 2018)

<https://www.babergh.gov.uk/assets/Strategic-Planning/BMSDC-LDS-JULY-2018.pdf>

<https://www.midsuffolk.gov.uk/assets/Strategic-Planning/BMSDC-LDS-JULY-2018.pdf>

13.2 Babergh and Mid Suffolk Joint Local Plan Preferred Options document (July 2019)

<https://www.babergh.gov.uk/planning/planning-policy/new-joint-local-plan/joint-local-plan-preferred-options-july-2019/>

<https://www.midsuffolk.gov.uk/planning/planning-policy/new-joint-local-plan/joint-local-plan-preferred-options-july-2019/>