

**BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL**

<b>TO:</b>	<b>BDC COUNCIL MSDC COUNCIL</b>	<b>REPORT NUMBER: MC/22/21</b>
<b>FROM:</b>	<b>Councillors Clive Arthey and David Burn, Cabinet Members for Planning</b>	<b>DATE OF MEETINGS:</b> <b>BDC: 25 October 2022</b> <b>MSDC: 27 October 2022</b>
<b>OFFICER:</b>	<b>Tom Barker Director – Planning and Building Control</b>	<b>KEY DECISION REF NO. N/A</b>

**JOINT LOCAL DEVELOPMENT SCHEME 2022-2025**

**1. PURPOSE OF REPORT**

- 1.1 To approve the Babergh and Mid Suffolk Joint Local Development Scheme (October 2022).
- 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 Following Examination Hearings held in 2021, correspondence from and a meeting with the Planning Inspectors undertaking the Examination in December 2021, it was proposed to split the Joint Local Plan into two parts. A review of the LDS is necessary to bring up-to-date the current timetable for the preparation of the Joint Local Plan, and to detail the splitting of the Joint Local Plan into two parts. This LDS sets out the stages and timescales for the preparation of these documents.
- 1.4 It is also necessary to review the LDS to progress the Part 1 Joint Local Plan document to adoption.
- 1.5 In addition, the LDS introduces an update for the preparation of revised Babergh and Mid Suffolk Community Infrastructure Levy (CIL) Charging Schedules and introduces nine Supplementary Planning Documents (SPDs).

**2. OPTIONS CONSIDERED**

- 2.1 To adopt a revised LDS would enable the Councils to provide clarity on anticipated timescales for the preparation of planning documents and is necessary to progress the Part 1 Joint Local Plan to adoption.

To not adopt a revised LDS would mean that progress could not be made on the Joint Local Plan.

**3. RECOMMENDATION**

- 3.1 That the Babergh and Mid Suffolk Joint Local Development Scheme 2022-2025 (October 2022) (Appendix A) is agreed to be brought into effect from 31<sup>st</sup> October 2022.

## REASON FOR DECISION

To bring the timetable for the preparation of the Joint Local Plan up-to-date, reflecting a Part 1 and a Part 2 document, to set out the timetable for the review of the CIL Charging Schedules and for the preparation of Supplementary Planning Documents.

### 4. KEY INFORMATION

- 4.1 The existing LDS was published in July 2020. It is necessary to bring the LDS up-to-date to reflect the changes to the Joint Local Plan arising from the Examination and to bring up-to-date the current timetable.
- 4.2 The draft LDS (appendix A) details the progress made on the Part 1 Joint Local Plan with consultation on modifications to be undertaken in Autumn 2022 and subject to the Examination, adoption in Spring 2023. The Part 1 Joint Local Plan sets out the vision and objectives for development in Babergh and Mid Suffolk Districts and contains a set of strategic and local policies to guide development in the period to 2037.
- 4.3 The Part 2 Joint Local Plan will follow the Part 1 document and will contain the following:
- an up-to-date settlement hierarchy;
  - a spatial distribution of any housing allocations;
  - housing requirement figures for Neighbourhood Plan areas;
  - site allocations;
  - up-to-date settlement boundaries reflecting commitments and site allocations;
  - open space designations with a relevant development management policy;
  - an up-to-date assessment of need for accommodation for Gypsies, Travellers, Travelling Showpeople and Boat Dwellers, together with relevant development management policies and, if necessary, allocations to provide for this need.
- 4.4 Work is being undertaken to inform the Part 2 Joint Local Plan, for example a detailed open space assessment by the Public Realm team. Further evidence gathering will be undertaken ahead of an Issues and Options stage programmed for Summer 2023.
- 4.5 Nine SPDs are introduced in the LDS together with associated timescales for their production. SPDs build upon and provide more detailed guidance on policies in an adopted Local Plan document. The SPDs are to follow adoption of a Part 1 Joint Local Plan. They cannot introduce new planning policies into the Development Plan, but they are a material consideration in the determination of planning applications. These cover the following topics:
- Affordable Housing;
  - Biodiversity and Trees;

- Wellbeing and Health;
- Design – Part A: Sustainable Construction;
- Design – Part B: Local Design Codes;
- Intensive Livestock and Poultry;
- Renewable and Low Carbon Energy;
- Natural and Historic Environment; and
- Guidance to Marketing of Employment and Community Uses.

4.6 An updated programme for revisions to the CIL Charging Schedules for each District is set out. Following the Joint Local Plan Examination, it is necessary to revise the Charging Schedules and undertake consultation ahead of submission for a CIL Examination.

## **5. LINKS TO CORPORATE PLAN**

5.1 The LDS sets out the preparation of the Joint Local Plan documents, SPDs, 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 costs associated with the preparation of the Joint Local Plan and the CIL Charging Schedules, together with associated Examination costs and legal expenses. The budget also supports the preparation of SPDs.

## **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 (as amended) 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 in the SEA Regulations 2004.

7.4 The Joint Local Plan is also subject to a Habitats Regulations Assessment.

- 7.5 SPDs are prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 7.6 The 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 This report is most closely linked with the Councils' Significant Risk No. 8 / The Councils will not be carbon neutral by 2030. A further key risk is set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Legal requirement to have an up-to-date published LDS when adopting a Local Plan. The consequence of not having one would mean the Plan would not be able to be adopted.	Unlikely (2)	Disaster (4)	Producing an LDS prior to consultation on the Modifications to the Joint Local Plan stage of the Examination.

## 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 is undertaken for the Joint Local Plan.

## 11. ENVIRONMENTAL IMPLICATIONS

- 11.1 The Joint Local Plan is accompanied by a Strategic Environmental Assessment incorporating a Sustainability Appraisal document. An Appropriate Assessment also accompanies the Joint Local Plan as required by a Habitats Regulation Assessment to identify the impact of the Plan on Protected Habitats and appropriate mitigation.
- 11.2 SPDs are introduced covering a number of topics as detailed in paragraph 4.5.

## 12. APPENDICES

Title	Location
(a) Draft Babergh and Mid Suffolk Joint Local Development Scheme 2022-2025 (October 2022)	Attached

## 13. BACKGROUND DOCUMENTS

13.1 Babergh and Mid Suffolk Joint Local Development Scheme (July 2020).

<https://www.babergh.gov.uk/assets/Strategic-Planning/LDS-Update-July-2020.pdf>

<https://www.midsuffolk.gov.uk/assets/Strategic-Planning/LDS-Update-July-2020.pdf>

13.2 Correspondence from Planning Inspectors – Babergh and Mid Suffolk Joint Local Plan Examination, 9 December 2021

<https://www.babergh.gov.uk/assets/Strategic-Planning/JLPExamination/CoreDocLibrary/G-ExaminationCorrespondence/G09-Letter-Inspectors-to-BMSDC.pdf>

<https://www.midsuffolk.gov.uk/assets/Strategic-Planning/JLPExamination/CoreDocLibrary/G-ExaminationCorrespondence/G09-Letter-Inspectors-to-BMSDC.pdf>

## 14. REPORT AUTHOR

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