

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

<b>TO: MSDC Council BDC Council</b>	<b>REPORT NUMBER: MC/23/27</b>
<b>FROM: Cabinet Member For Heritage, Planning And Infrastructure (Mid Suffolk) Cabinet Member For Planning (Babergh)</b>	<b>DATE: 20 November 2023 - MSDC 21 November 2023 - BDC</b>
<b>OFFICER: Tom Barker, Director for Planning and Building Control</b>	<b>KEY DECISION REF NO. N/A</b>

**BABERGH AND MID SUFFOLK JOINT LOCAL DEVELOPMENT SCHEME 2023-2026**

**1. PURPOSE OF REPORT**

- 1.1 To approve the Babergh and Mid Suffolk Joint Local Development Scheme (November 2023).
- 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 the completion of the examination on the Babergh and Mid Suffolk Joint Local Plan, a review of the LDS is necessary to bring up-to-date the current timetable for the preparation of the Joint Local Plan Part 1 and Part 2 Development Plan Documents (DPD). The LDS sets out the stages and timescales for the preparation of these documents. It is also necessary to review the LDS to be able to adopt the Joint Local Plan Part 1.
- 1.4 In addition, the LDS revises the timetable for the preparation of revised Babergh and Mid Suffolk Community Infrastructure Levy (CIL) Charging Schedules and nine supplementary planning documents (SPD). An additional SPD is introduced on Air Quality to provide further guidance and detail for assessing air quality impacts on sensitive environmental receptors.

**2. OPTIONS CONSIDERED**

- 2.1 To adopt a revised LDS, which would enable the Councils to provide clarity on current anticipated timescales for the preparation of planning documents and is necessary to be able to adopt the Joint Local Plan Part 1.
- 2.2 To not adopt a revised LDS would mean that the Councils would be unable to adopt the Joint Local Plan Part 1. The Councils have a statutory duty to produce a Local Plan and to adopt one by December 2023.

### **3. RECOMMENDATION**

- 3.1 That the Babergh and Mid Suffolk Joint Local Development Scheme 2023-2026 (November 2023) (Appendix A) is agreed and brought into effect from 20<sup>th</sup> November 2023 in Mid Suffolk and 21<sup>st</sup> November 2023 in Babergh.

### **REASON FOR DECISION**

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

### **4. KEY INFORMATION**

- 4.1 The existing LDS was published in October 2022. It is necessary to bring the LDS up-to-date to reflect the conclusion of the Joint Local Plan examination and to bring up-to-date the current timetable.
- 4.2 The draft LDS (Appendix A) details the progress made on the Joint Local Plan Part 1 to the conclusion of the examination and proposed adoption. The Joint Local Plan Part 1 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 Joint Local Plan Part 2 follows the Part 1 document and evidence gathering is currently being undertaken. An initial Issues and Options stage is programmed for Spring 2024.
- 4.4 An additional SPD is introduced on Air Quality to provide further guidance and detail for assessing air quality impacts on sensitive environmental receptors. An updated programme for the other nine SPDs is also set out, together with the revisions to the CIL Charging Schedules for each District.

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

- 5.1 The LDS sets out the preparation for 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 and supporting Neighbourhood Plans.

### **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 (as amended) also requires Local Planning Authorities to prepare Local Plans. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set 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 in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).
- 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 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference
Legal requirement to have an up-to-date published LDS when adopting a Local Plan. The consequence of not having one would mean the Joint Local Plan Part 1 would not be able to be adopted.	2	4	Produce an updated Local Development Scheme on adoption.	Strategic Planning – 005

## 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 Regulations Assessment to identify the impact of the Plan on Protected Habitats and appropriate mitigation.

11.2 SPDs identified cover a number of topics relating to the environment.

## 12. APPENDICES

Title	Location
(a) Draft Babergh and Mid Suffolk Joint Local Development Scheme 2023-2026 (November 2023).	<a href="#">Appendix A (Babergh)</a> <a href="#">Appendix A (Mid Suffolk)</a>

## 13. BACKGROUND DOCUMENTS

13.1 Babergh and Mid Suffolk Joint Local Development Scheme (October 2022).

[Joint Local Development Scheme 2022-2025 \(Babergh\)](#)

[Joint Local Development Scheme 2022-2025 \(Mid Suffolk\)](#)

## 14. REPORT AUTHORS

Robert Hobbs, Corporate Manager – Strategic Planning