

# Environment and Sustainability Committee



08 November 2022

<b>Title</b>	<b>Update to Local Development Scheme</b>
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Ann Biggs, Strategic Planning Manager
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	N/A
<b>Corporate Priority</b>	Communities Affordable Housing Environment Service Delivery
<b>Recommendations</b>	<b>Committee is asked to:</b>  Agree the publication of the updated Local Development Scheme
<b>Reason for Recommendation</b>	The timetable for preparing the new Local Plan has been updated to reflect current progress and anticipated timescales for the remainder of its preparation through to adoption. Committee approval is needed prior to publication of the timetable within the Local Development Scheme.

## 1. Summary of the report

- 1.1 This report seeks agreement to update the Local Development Scheme to reflect the current timetable.

## 2. Key issues

- 2.1 The Local Development Scheme (LDS) sets out the timetable for producing a new Local Plan, including the production of new or revised documents it will contain. It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) that the LDS is prepared and maintained.

- 2.2 The current LDS was published in June 2021 and a further update is needed to submit with the new Local Plan to the Planning Inspectorate. It will reflect delays encountered during the preparation process but also the progress made to recoup some of this lost time. Members of the task groups and officers have worked incredibly hard, meeting countless times over the past two years in particular, and in the face of changes, such as the move to the committee system, in order to progress the Local Plan to adoption.
- 2.3 A significant milestone was reached in May 2022, when the Council agreed the Submission Version of the Local Plan for the final Regulation 19 consultation and the draft Staines Development Framework (SDF) for further consultation. These consultations have now closed and officers are preparing to submit the documents to the Planning Inspectorate, after which the Local Plan will be examined by an inspector through a series of public hearing sessions. The final version of the SDF appears elsewhere on the agenda and whilst it does not fall to be examined as it is supplementary guidance, it is intrinsically linked to the Local Plan so will be submitted with it as a core document. The later stages post-submission are largely outside the control of officers and down to the Planning Inspectorate in terms of time needed for Examination and the inspector's report, although we have been advised that a submission by the end of November 2022 is likely to result in the hearings being scheduled for March/April 2023. Officers are already working with other teams at the Council to prepare for the logistics of this. The key milestones going forward are:
- Submission of both to Secretary of State – November 2022 (formerly May 2022)
  - Examination of Local Plan – March/April 2023 (formerly October 2022) [Please note that the SDF does not need to be formally examined as it is a Supplementary Planning Document but is intrinsically linked to the Local Plan]
  - Inspector's report issued – July 2023 (formerly February 2023)
  - Adoption of Local Plan and SDF by the Council – September 2023 (formerly July 2023) [Subject to the calendar of meetings for the next municipal year]
- 2.4 The new Climate Change SPD is now included in the LDS timetable but as it only commenced in October 2022 all future milestones are to be confirmed. It would not need to go through the formal examination process and can be adopted by the Council following the consultation and review stages. It is intended to be supplementary to the existing Core Strategy for now in order to accelerate its production as there are sufficient 'hooks' for the guidance within our current policies but it will be updated when the new Plan is in place. Other planned SPDs are not yet programmed until the Local Plan is adopted as they would not commence until that point. These will be covering Green & Blue Infrastructure, Affordable Housing and Flooding, although through the examination process it may arise there is a need for others. A further LDS update will be produced when the Local Plan is adopted.

### **3. Options analysis and proposal**

- 3.1 The LDS is a regulatory requirement so it must be maintained as otherwise the Local Planning Authority would act in breach of its statutory duties. The

timescales have been carefully considered by officers to ensure they can be met, based on the work needed to reach the relevant stages so there is little scope to adjust without reasoned evidence for doing so.

#### **4. Financial implications**

- 4.1 There are no direct implications arising from the update to the LDS itself. However, it should be noted that further delays to the Local Plan process would incur additional expenditure. Advice from the Department of Levelling Up, Housing and Communities is that such a delay could be as long as two years if the Local Plan does not progress to examination and the strategy is revisited again. Costs would be several hundred thousand pounds to produce new and updated evidence, together with officer time and further consultation events.

#### **5. Risk considerations**

- 5.1 If the LDS is not updated and published the main risk would be further delays to the submission of the Local Plan. There are various risks arising from such a delay, including the difficulty in defending planning appeals without an up to date plan and a five-year housing land supply. The Council has already lost appeals where the chronic under delivery of homes against our objectively assessed housing need was given significant weight in the decision to allow the appeal. Across the wider borough, the risks are to the most important Green Belt sites not proposed for release but where developers are keen to progress their schemes. As explained above, the risks also include significant financial outlay if progress is halted or the strategy revisited.

#### **6. Procurement considerations**

- 6.1 It is currently envisaged that the remaining stages of the Local Plan would not result in the need for new procurements. Any consultants previously engaged in the production of evidence are aware that we may ask them to appear at the examination for an additional fee. The future SPDs are likely to be produced in-house although the Climate Change SPD will be supported by consultants for expert advice and the Sustainability Team is leading on procurement.

#### **7. Legal considerations**

- 7.1 It is a legal requirement to maintain the Local Development Scheme. The Legal Team has been engaged with the Local Plan preparation and external counsel advice has also supported the process.

#### **6. Other considerations**

- 6.1 No further considerations.

#### **7. Equality and Diversity**

- 7.1 None identified.

#### **8. Sustainability/Climate Change Implications**

- 8.1 None identified directly but the LDS now includes production of the Climate Change SPD that will provide further detail to applicants when designing schemes and incorporating mitigation measures.

#### **9. Timetable for implementation**

- 9.1 If approved, the LDS will be published immediately afterwards.

## **10. Contact**

10.1 Ann Biggs, Strategic Planning Manager [a.biggs@spelthorne.gov.uk](mailto:a.biggs@spelthorne.gov.uk)

**Background papers:** There are none

**Appendices:**

**Appendix A:** Local Development Scheme – updated 2022