

## PLACES SCRUTINY PANEL

25 June 2015

### RUTLAND LOCAL PLAN LOCAL DEVELOPMENT SCHEME

#### Report of the Director for Places (Development and Economy)

Strategic Aim:	Creating an active and enriched community Creating a sustained environment Building our infrastructure	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor Terry King, Portfolio Holder for Places (Development and Economy) and Resources	
Contact Officer(s):	Paul Phillipson, Director for Places	Tel: 01572 758321 pphillipson@rutland.gov.uk
	David Troy, Planning Policy and Housing Manager	Tel: 01572 758278 dtroy@rutland.gov.uk
Ward Councillors	N/A	

#### DECISION RECOMMENDATIONS

That the Panel:

1. Considers the Rutland Local Development Scheme 2015-2018 set out in Appendix A to this report and any comments be reported to Cabinet, as appropriate

#### 1. PURPOSE OF THE REPORT

- 1.1 To consider the updated Local Development Scheme (LDS) covering the Local Plan work programme for the next 3 years period from 2015-2018 prior to forwarding it to Cabinet.

#### 2. BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Local Development Scheme (LDS) sets out the Local Development documents to be prepared by the Council as part of its Local Plan. There is a statutory requirement for the Council to produce an up to date programme covering the Development Plan Documents (DPDs) the Council intends to prepare over the next 3 years.
- 2.2 The Rutland LDS sets out the DPDs/Local Plans that Rutland County Council intends to prepare over the period 2015 to 2018. It explains when the council intends to reach key stages in the preparation of each DPD and outlines the Local Plan documents

that have already been adopted. It replaces the Rutland LDS which was adopted in May 2013 covering the period 2013-2016.

- 2.3 The proposed LDS set out in Appendix A to this report covers the period from 2015 up to 2018. The main document covered in the LDS over the next 3 years is the Rutland Local Plan review.
- 2.4 It is proposed that the following current DPDs will be reviewed and will be replaced by a single Local Plan:
- Minerals Core Strategy and Development Control Policies DPD (October 2010)
  - Core Strategy DPD (July 2011)
  - Site Allocations and Policies DPD (October 2014)
- 2.5 A detailed timetable showing the different production stages for this document is shown in Appendix 1 of the LDS. The programme commenced in 2015 with a view to adopting an updated Local Plan by 2017.
- 2.6 As a result of the government streamlining of the Local Plan process, it is no longer necessary for an LDS to include details of any other planning documents that the local planning authority intends to produce. For this reason, the LDS only includes details of Rutland's DPDs/Local Plans. However, in the interest of transparency, the LDS sets out the Council's current intentions for the preparation of other documents and how it will assist Town/Parish Councils with Neighbourhood Planning (NP) work over the next three years as follows:
- a) Community Infrastructure Levy (CIL)
  - b) Planning Obligations Supplementary Planning Document
  - c) Uppingham Neighbourhood Plan
  - d) Other Neighbourhood Plans including Cottesmore, Greetham, Langham and Barrowden/Wakerley
- 2.7 The Council will also have to support other neighbourhood plans that might come forward over the next 3 years. The Council will consider the possibility of producing additional SPDs if the need arises during the three year period of the LDS.

### **3. CONSULTATION**

- 3.1 The Local Plan Members Working Group (LPMWG) at its meeting on 4th December 2014 considered the Local Plan review and the timetable set out in the previous LDS (2013). In order to allow elected members and officers more time to consider the emerging key issues as part of the review and to focus staff resources on the preparation of supporting Local Plan evidence based work and the NP work being undertaken by a number of Town/Parish Councils in the County, a revised timetable for the Local Plan review was considered and supported by the LPMWG. This is set out in the LDS appended to this report at Appendix A.
- 3.2 The LDS is not subject to formal consultation, but it will be published on the Council's website.

## **4. ALTERNATIVE OPTIONS**

- 4.1 The LPMWG at its meeting on 4th December 2014 considered the Local Plan review and the timetable set out in the previous LDS (2013) showing the adoption of the new single Local Plan by December 2016. This was not considered to be a viable option for the reasons set out in paragraph 3.1 above. A longer timeframe for the preparation of the Local Plan review was also assessed but was not considered to be a viable either as it would leave insufficient time to take the plan through the various statutory stage of the plan preparation/examination before the current Local Plan expires and would be contrary to the recommendations of the Planning Inspector's report (August 2014) on the Site Allocations and Policies DPD (SAP DPD).
- 4.2 The Planning Inspector's report on the SAP DPD recommended an early review of the plan to ensure that it meets the objectively assessed housing needs for the area and provide greater flexibility to adapt and change in accordance with paragraph 14 of the Government's National Planning Policy Framework (2012). The SAP DPD specifies in paragraph 1.12 that the Local Plan review be completed by 31<sup>st</sup> December 2017 in accordance with the recommendations and modifications set out in the Planning Inspector's report.
- 4.3 The proposed LDS programme provides an ambitious timetable for delivery of the new Local Plan and supporting evidence over the next 2 ½ years. This includes the external public examination by a planning inspector. The timetable for this external process is largely outside the control of the Council. The Council's most recent experience through the SAP DPD examination took over 13 months from the submission of the document to Secretary of State in July 2013 to the receipt of the Inspector's report in August 2014.
- 4.4 Therefore, any delay in the proposed programme would leave the Council at risk of not adopting the new Local Plan by 31<sup>st</sup> December 2017. Failure to adopt the Plan on time would place the Council at significant risk of challenge from developers looking for development in the area and applying for planning permission under the NPPF (para. 14), where there is presumption in favour of sustainable development, where the Local Planning Authority has no policies relevant to the application or Local Plan policies are out of date.

## **5. IMPLICATIONS**

### **5.1 FINANCIAL IMPLICATIONS**

- 5.1.1 Some of the main risks associated with the progress on the preparation of the Local Plan review and other documents highlighted in the LDS in Appendix A are staff turnover; evidence based requirements and the resource constraints. The LDS programme has been prepared to reflect the resources available, including the remaining Housing Planning Delivery Grant (HPDG) Budget of £74k. The projected expenditure to assist with the delivery of the Local Plan through the HPDG budget was approved by Cabinet on 18th March 2014 (Report no. 53/2014). The work programme over the next 3 years has been prepared to reflect the level of resources available and has been carefully focused on the main statutory plan-making duties of the Council during this period.

## **5.2 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 5.2.1 There is statutory requirement to provide an up to date LDS covering the Local Plan programme over the next 3 year period from 2015-2018. An up to date LDS is required as part of the preparation of the new Local Plan and submission of the plan to the Secretary of State for public examination.
- 5.2.2 A risk associated with the progress on the preparation of the Local Plan review and other documents highlighted in the LDS in Appendix A is a legal challenge. The risk can be minimised by taking all of the necessary procedural steps to ensure the documents are sound. This will include working closely with other authorities/bodies to fulfil the Council's duty to cooperate under the Localism Act and the Planning Inspectorate at key stages in plan in plan preparation and examination.
- 5.2.3 In order to ensure that the County Council members/officers, community and stakeholders are kept up to date on the progress of the LDS and the preparation of the Local Plan review, the Council will produce a regular update in the Local Plan newsletter published on the Council's website on a bi-annual basis. This will be in addition to the updates provided through the Local Plan Annual Monitoring Report.

## **5.3 EQUALITY IMPACT ASSESSMENT**

- 5.3.1 An Equality Impact Assessment (EqIA) has not been completed as the LDS does not involve new or significantly changed function, policy, procedure or services of the Council.

## **5.4 COMMUNITY SAFETY IMPLICATIONS**

- 5.4.1 A clear and up to date LDS programme of Local Plan work would have an indirect effect on community safety by ensuring that a sustainable planning policy framework is provided to guide the proper planning and design of future development that reduce crime and improve the community environment and its safety.

## **5.5 HEALTH AND WELLBEING IMPLICATIONS**

- 5.5.1 A clear and up to date LDS programme of Local Plan work will have an indirect effect on health and wellbeing by impacting on the social, economic and environmental living conditions of existing and new development through ensuring that a sustainable planning policy framework is provided to ensure the proper planning and design of future development for housing, community facilities, employment and green space in the County.

## **5.6 ORGANISATIONAL IMPLICATIONS**

### **5.6.1 Environmental implications**

A clear and up to date LDS programme of Local Plan work will have an indirect effect through providing a framework that will include planning policies that promote improved design linked to affordability and sustainability, protect the character of the County and reduce the negative impacts on the environment within the area.

### **5.6.2 Human Resource implications**

None

### **5.6.3 Procurement Implications**

None

## **6. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 6.1 The LDS sets out the Local Development documents to be prepared by the Council as part of its Local Plan. There is a statutory requirement for the Council to produce an up to date programme covering the DPDs the Council intends to prepare over the next 3 years. This is required in order to comply with the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 and the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 6.2 The proposed LDS set out in Appendix A to this report is for the period from 2015 to 2018 and the main document covered in the LDS is the Rutland Local Plan review.
- 6.3 Following consideration by the Places Scrutiny Panel, the LDS together with any comments will be considered by Cabinet on 21<sup>st</sup> July 2015.
- 6.4 Subject to approval by Cabinet, it is intended that the document will be published on the Council's website. In order to ensure that community and stakeholders are kept up to date on the progress of the LDS and the preparation of the Local Plan review, the Council will produce a regular update in the Local Plan newsletter published on the Council's website on a bi-annual basis. This will be in addition to the updates provided through the Local Plan Annual Monitoring Report.

## **7. BACKGROUND PAPERS**

None

## **8. APPENDICES**

Appendix A – Rutland Local Development Scheme 2015-2018

**A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.**