

# LOCAL DEVELOPMENT SCHEME

<b>Cabinet Member</b>	Councillor Keith Burrows
<b>Cabinet Portfolio</b>	Planning, Transportation and Recycling
<b>Officer Contact</b>	James Gleave: Residents Services
<b>Papers with report</b>	Appendix 1: Local Development Scheme: October 2015

## 1. HEADLINE INFORMATION

<b>Purpose of report</b>	This Report seeks approval for a revision to the Council's Local Development Scheme (LDS) which sets out timescales for the production of forthcoming Local Plan documents.
<b>Putting our Residents First</b>	<p>This report supports the following Council objectives of: <i>Our Built Environment; Our Natural Environment; Our Heritage and Civic Pride</i></p> <p>The Local Development Scheme is a statutory document that sets out the timetable for the production of future Local Plan documents. As such, it will assist in delivering the objectives of the Sustainable Community Strategy and its objectives; including maintaining the Borough's local heritage and ensuring that the natural environment is protected and enhanced. It will also contribute to delivering key plans and strategies, in particular the Transport Strategy, Economic Development Strategy and Housing Strategy.</p>
<b>Financial Cost</b>	The cost of preparing the Local Development Scheme can be met from the existing revenue budget for 2015/16.
<b>Relevant Policy Overview Committee</b>	Residents' and Environmental Services
<b>Ward(s) affected</b>	All

## 2. RECOMMENDATION

That the Cabinet:-

1. Endorses and recommends that the Local Development Scheme is referred to Full Council in January 2016 for adoption and;
2. Grants delegated authority to the Deputy Chief Executive and Corporate Director of Residents Services to agree, in conjunction with the Cabinet Member for Planning, Transportation and Recycling, any editing and textual changes to the Local Development Scheme prior to submission to Council.

## **Reasons for recommendations**

The Council's current Local Development Scheme (LDS) was published in April 2009 and is considered to be out of date. Under the provisions of the Planning and Compulsory Purchase Act 2004 (As amended) the Council is required to publish an up to date LDS setting out the timetable for the production of Local Plan documents. In the absence of an up to date LDS, it is unlikely that the Local Plan Part 2, which Cabinet approved for further consultation in September 2015, will be found to be 'legally compliant' when it is submitted for examination. This could result in a suspension of the examination process and a delay in the adoption of the Plan.

Legal advice confirms that the decision for the LDS to take effect must be taken by Full Council. As such, Cabinet is asked to recommend that the document be referred to the next meeting of the Full Council in January 2016.

## **Alternative options considered / risk management**

Cabinet may decline to recommend that the updated LDS at Appendix 1 is referred to Full Council. This option could result in the legal compliance of the Local Plan Part 2 being challenged and a delay in its adoption.

A further option would be to instruct officers to make amendments to the LDS, before it is referred to Full Council. Depending on the nature of the changes this option could delay the publication of the LDS and affect the examination process for the Local Plan Part 2.

## **Comments of Policy Overview Committee(s)**

The Residents' & Environmental Policy Overview Committee will be consulted as part of the development of the Local Plan - Part 2, as a Policy Framework Document.

## **3. INFORMATION**

### **Background**

1. The Local Development Scheme (LDS) is a project plan for the production of the Local Plan and other planning policy documents. It sets out the documents that the Council intends to produce and the timescale for their production. In order to be considered legally compliant in accordance with the Planning and Compulsory Purchase Act 2004, the Council's Local Plan documents should be in general conformity with the LDS. This means that they should be listed in the LDS and prepared in accordance with the timescales set out in the document.

2. The current LDS was prepared in 2009 and whilst the Local Plan Part 2 documents approved by Cabinet for Public Consultation on 24<sup>th</sup> September 2015 are listed, the timescales for document production are now significantly out of date. A new, up to date LDS is therefore required to ensure that the Local Plan is found to be legally compliant with the necessary regulations at Examination.

### **Content of the Local Development Scheme**

3. The proposed LDS is attached at Appendix 1 of this report. Table A below summarises the documents and timescales that are identified in the document.

**Table A: Timescale for Key Documents identified in the Local Development Scheme**

Document	Proposed timescale for:		
	Submission	Examination	Adoption
Local Plan Part 2: Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes.	April - June 2016	July - March 2016	April - June 2017
Review of the Local Plan Part 1: Strategic Policies	July - Sept 2019	October 2019 - June 2020	July - Sept 2020
Community Infrastructure Levy Charging Schedule	April - June 2017	July - Dec 2017	Jan - March 2018

4. The following paragraphs provide further commentary on the documents identified in Table A.

Local Plan Part 2: Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes

5. Cabinet approved a recommendation to undertake further consultation on these documents in September 2015. Assuming the documents are submitted for examination in April 2016, it is likely that they will be subject to public examination in the summer of 2016 and Adopted by the Council in summer of 2017.

Local Plan Part 1: Strategic Policies

6. Following the Adoption of the Local Plan Part 2, officers propose to commence a review of the Local Plan Part 1 to ensure that the document reflects up to date evidence and Council policy and is in accordance with updated policies in the London Plan. The timetable for this review has been prepared to mirror the production of the new London Plan and is expected to commence in 2017.

Community Infrastructure Levy Charging Schedule

7. In April 2014, Cabinet approved a recommendation to adopt the Community Infrastructure Levy Charging Schedule at full Council in July 2014. A further recommendation was approved to commission additional work to support the modification of the Charging Schedule to include a charging rate for sui generis uses. To ensure that the Community Infrastructure Levy Charging Schedule continues to deliver necessary infrastructure, it is proposed to commence the review of the current charging schedule in January next year. The details of this review and the content of the revised Charging Schedule will be subject to Cabinet approval.

8. In addition, the LDS also refers to an update to the West London Waste Plan and the production of the Heathrow Opportunity Area Planning Framework. The detailed timetable for these documents is currently uncertain; no specific timescale is given for the West London Waste Plan and it is proposed that the production of the Heathrow Opportunity Area Planning Framework will commence in mid 2017.

West London Waste Plan

9. The West London Waste Plan was adopted in July 2015. During the examination, it was agreed to carry out an early review of the document to take account of changes to waste apportionment targets. Whilst the timetable has yet to be agreed, identifying this item allows this

work to commence, subject to Cabinet approval and the agreement of the other boroughs in the West London waste planning area.

### Heathrow Opportunity Area Planning Framework

10. The Heathrow Opportunity Area is identified in the London Plan as one of 38 Opportunity Areas with the capacity to accommodate 9,000 new homes and 12,000 new jobs. Whilst the boundary of the area has not yet been defined, it is described in the London Plan as covering much of the southern part of Hillingdon, Heathrow Airport and north Hounslow.

11. Paragraph 5.32 of the Local Plan Part 1 notes that the Council will work with key partners to prepare and implement a spatial planning framework for the Heathrow Opportunity Area. It is noted that further capacity testing is required by Hillingdon and Hounslow to establish what proportion of jobs and new homes in the Opportunity Area will be provided by each Borough. The details of this work will be subject to Cabinet approval, however, the LDS notes that the production of the Opportunity Area Planning Framework will commence in mid 2017.

### **Next Steps**

12. Subject to Cabinet approval the LDS will go forward to Full Council January. The document will then be made available on the Council's website.

### **Financial Implications**

The cost of preparing the Local Development Scheme will be contained within existing revenue budgets.

## **4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The preparation of the LDS will ensure that the Council's Local Plan can be kept up to date and that the objectives of the Sustainable Community Strategy will continue to be met.

## **CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and confirms that there are no direct financial implications arising from the publication of an updated Local Development Scheme. The timescales contained within the Local Development Scheme indicate that Local Part Plan 2 is scheduled for adoption by June 2017, with a revised CIL charging schedule to be developed for adoption by March 2018.

### **Legal**

The Council is required to prepare a Local Development Scheme (LDS) in accordance with the requirements of section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). The Planning and Compulsory Purchase Act 2004 (as amended) requires the LDS to be revised at such times as the Local Planning Authority considers appropriate.

Section 19 of the Planning and Compulsory Purchase Act 2004 (as amended) requires Development Plan Documents to be prepared in accordance with the LDS. As such it is vital that the LDS is updated to ensure the Council's Local Plan can be found legally compliant in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and relevant supporting legislation.

Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires a resolution of the Council, which must specify the date from which the LDS is to have effect.

### **Property and Construction**

There are no Corporate Property and Construction implications arising from the recommendations in this report.

### **BACKGROUND PAPERS**

- Report to Cabinet - Local Plan Part 2: Draft Development Management Policies, Site Allocations and Designations and Policies Map. September 2015