

LOCAL DEVELOPMENT SCHEME

Reporting Officer: Head of Democratic Services

SUMMARY

Cabinet on 26 July 2018 resolved to recommend to Council the adoption of a revised Local Development Scheme (LDS) for the Council, which sets out timescales for the production of forthcoming Local Plan documents. The Cabinet report is attached as an appendix.

RECOMMENDATION: That the revised Local Development Scheme be adopted with effect from 14 September 2018.

SUPPORTING INFORMATION

The 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.

The Council's current Local Development Scheme (LDS) was published in January 2016 and is considered to be out of date.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 evidence that the necessary steps are being taken to prepare an up to date version, there is a risk that the Local Plan Part 2, will not be found to be 'legally compliant' at examination. This could result in a suspension of the examination process and a delay in the adoption of the Plan.

Financial Implications

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

Legal Implications

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.

Background Papers: None