



## CABINET REPORT

<b>Report Title</b>	<b>LOCAL DEVELOPMENT SCHEME</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	3 <sup>rd</sup> April 2019
<b>Key Decision:</b>	YES
<b>Within Policy:</b>	YES
<b>Policy Document:</b>	YES
<b>Service Area:</b>	Planning
<b>Accountable Cabinet Member:</b>	Councillor James Hill
<b>Ward(s)</b>	All

### 1. Purpose

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- 1.1 The purpose of this report is to present an updated Local Development Scheme to Cabinet for consideration.

### 2. Recommendations

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- 2.1 It is recommended that Cabinet approves the new Northampton Borough Local Development Scheme and brings it into immediate effect.

### **3. Issues and Choices**

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#### **3.1 Report Background**

3.1.1 The Local Development Scheme (LDS) is a rolling business plan for the preparation of key planning policy documents that will be relevant to future planning decisions. It outlines the programme and resources for completion and adoption of each relevant planning document. It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended by Section 111 of the Localism Act 2011) that the Council prepares and maintains an LDS.

3.1.2 The LDS must specify:

- The local development documents which are to be development plan documents;
- The subject matter and geographical area to which each development plan document is to relate;
- Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
- Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee;
- The timetable for the preparation and revision of the development plan documents; and
- Such other matters as are prescribed.

3.1.3 Development Plan Documents (including, for Northampton, the Local Plan Part 2) must be prepared in accordance with the LDS.

3.1.4 The existing LDS covering Northampton Borough was brought into effect by Cabinet in February 2017 and covered the three year period to September 2018.

#### **3.2 Issues**

3.2.1 Local plans are subject to an examination in public (EiP) by an independent inspector appointed by the Secretary of State. The purpose of the EiP is to examine whether or not the local plan has been prepared in accordance with legal and procedural requirements and whether it is sound. One of the key tests of soundness (as set out in paragraph 35 of the National Planning Policy Framework) is that the Inspector has to consider its consistency with national policy, which includes whether the Local Plan has been prepared in accordance with the LDS. Failure to maintain the LDS could result in the Local Plan Part 2 failing this test and not proceeding to adoption. Failure to

prepare a Local Plan as set out in the LDS could also place the Council at risk of a High Court challenge.

- 3.2.2 Another test of soundness that has to be considered is whether or not the Local Plan is an appropriate strategy, taking into account reasonable alternatives, and based on proportionate evidence. The LDS has been updated to take into account the amount of time it took to obtain appropriate evidence and monitoring data to ensure that the policies in the draft Local Plan Part 2 are soundly based on a proportionate level of evidence.
- 3.2.3 The updated Northampton LDS covering the period to August 2020 has been prepared and is attached as Appendix A to this report.
- 3.2.4 By bringing the updated LDS into effect, the Council will be in a position to proceed with consultation on the Proposed Submission version of the Local Plan Part 2. A report on the Proposed Submission version of the Local Plan Part 2 is elsewhere on this agenda. Subject to Cabinet's approval, the updated LDS will be brought into effect from the date of this meeting.

### **3.3 Choices (Options)**

#### **Option 1: Agree to the recommendation**

- 3.3.1 If Cabinet agree to the updated Local Development Scheme and to its coming into effect immediately, the Council will be in a position to consult on the Proposed Submission version of the Local Plan Part 2 from May to June 2019. This should then make it possible to reach the other milestones in the LDS with a view to submitting the Local Plan Part 2 to the Secretary of State for Housing, Communities and Local Government by November 2019.

#### **Option 2: Do not agree to the recommendation**

- 3.3.2 Cabinet could defer or decide not to update the LDS. If consultation on the Proposed Submission version of the Local Plan Part 2 went ahead without an up-to-date LDS in place, the Council would run the risk that, at examination-in-public, the plan would be found unsound because it would not be legally compliant.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 Having an up-to-date Local Development Scheme in place will facilitate the delivery of the Northampton Local Plan Part 2. The Local Plan Part 2 will review and update the Local Plan Saved Policies and the Central Area Action Plan. An up-to-date plan will provide greater certainty and allow policies at the local level to address local issues and be fully compliant with up-to-date requirements. Planning applications will be determined in accordance with the

development plan, including the Local Plan Part 2, unless material considerations indicate otherwise.

## **4.2 Resources and Risk**

- 4.2.1 Production of the Local Development Scheme itself has no direct resource implications. Clearly, the project of producing the Local Plan Part 2 has financial implications. Sufficient resources are available for those activities scheduled in the LDS to take place in the remainder of this financial year. Sufficient resources have been incorporated into the budget for 2019/20 to cover all the remaining stages of plan preparation.

## **4.3 Legal**

- 4.3.1 The Local Plan is a statutory document and has to be prepared in accordance with the Planning and Compulsory Purchase Act 2004, as amended; the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended; the Environmental Assessment of Plans and Programmes Regulations 2004; and the Conservation of Habitats and Species Regulations 2010.
- 4.3.2 It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended by Section 111 of the Localism Act 2011) that the Council prepares and maintains an LDS. One of the tests at Public Examination is a legal compliance test which includes whether the Local Plan has been prepared in accordance with the LDS. Failure to maintain the LDS could result in the Local Plan Part 2 failing the legal compliance test and not proceeding to adoption. Failure to prepare a Local Plan as set out in the LDS could also place the Council at risk of High Court Challenge. In addition, under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Housing and Planning Act 2016) the Secretary of State now has the power to prepare a LDS and direct that a local planning authority bring that LDS into effect.

## **4.4 Equality and Health**

- 4.4.1 Because it is a plan setting out the timetable for production of the Local Plan Part 2, the Local Development Scheme does not, of itself, have any direct impacts on equalities. The Local Plan Part 2 will be subject to an Equality Impact Assessment.

## **4.5 Consultees (Internal and External)**

- 4.5.1 Cabinet Advisory Group – Local Plan have been advised of the production of the updated Local Development Scheme and its significance to the soundness of the Local Plan Part 2.

## **4.6 How the Proposals deliver Priority Outcomes**

4.6.1 By facilitating the production of the Local Plan Part 2, the Local Development Scheme will help to guide all development across Northampton, achieving economic, social and environmental benefits. In terms of the priorities set out in the Council's Corporate Plan, the LDS, by facilitating the production of the Local Plan Part 2, will help to deliver a stronger economy by:

- Having a Local Plan that helps Northampton to grow and prosper
- Containing policies to address the strategy for town centre, provision of charging points for electric vehicles, securing quality development that makes a positive contribution to local character and distinctiveness

4.6.2 It will also help to deliver resilient communities by:

- Facilitating the delivery of new and better homes, including affordable homes

## **4.7 Other Implications**

4.7.1 There are no other implications arising directly from the updating of the Local Development Scheme.

## **5. Background Papers**

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5.1 Northampton Local Development Scheme, February 2017, Northampton Borough Council <https://www.northampton.gov.uk/downloads/file/8482/northampton-local-development-scheme-february-2017>

National Planning Policy Framework, February 2019, Ministry of Housing, Communities and Local Government

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

### **Appendix A – Northampton Local Development Scheme (April 2019)**

## **6. Next Steps**

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6.1 Having the updated Local Development Scheme in place will enable the Council to progress with the next stage in the production of the Northampton Local Plan Part 2.

**Peter Baguley**  
**Head of Planning**  
**Tel. 01604 838921**