

Report to: **South Hams Executive**
Date: **19 September 2019**
Title: **Approval of the Plymouth and South West Devon Local Development Scheme**
Portfolio Area: **Council – Cllr Pearce**

Wards Affected: **all**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:

Following approval by all three JLP Councils

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Recommendations:

1. That the Executive approves the Plymouth and South West Devon Local Development Scheme for adoption and publication.

1. Executive summary

1.1 The Planning & Compulsory Planning Act 2004, as amended by the Localism Act 2011, requires each local planning authority to prepare and maintain a document setting out the programme for the preparation of planning documents. This is known as the Local Development Scheme (LDS).

1.2 The LDS is a three-year project plan for preparing planning documents. It is not a policy document itself. It provides a starting point for the local community and stakeholders to find out what planning documents are being prepared by the Council and the timetable for their production. It sets out the timetable for the production of planning policy documents over the next 3 years, and indicates the timescale for the for the review and update of the Joint Local Plan, outlining the stages when there will be formal opportunities to get involved with the plan making process.

- 1.3 This report therefore seeks formal approval of the LDS for publication, and that it be brought into force following approval by the three JLP Councils.

2. Background

- 2.1 The Planning & Compulsory Planning Act 2004, as amended by the Localism Act 2011, requires each local planning authority to prepare and maintain a document setting out the programme for the preparation of planning documents. This is known as the Local Development Scheme (LDS).
- 2.2 The LDS is a three-year project plan for preparing planning documents but it is not a policy document itself. It provides a starting point for the local community and stakeholders to find out what planning documents are being prepared by the Council and the timetable for when these documents will be produced.
- 2.3 In March 2019, South Hams District Council, West Devon Borough Council and Plymouth City Council adopted the Plymouth and South West Devon Joint Local Plan. The JLP sets out policies and proposals covering the plan area up to 2034, and thus represents a critical milestone in establishing a robust and consistent strategic and local planning policy framework for the plan area. The JLP also represents the first time that the three JLP Councils have collaborated on the production of a joint local plan, and is the most significant result of the joint working that the Councils have been undertaking since 2016.
- 2.4 With the adoption of the Joint Local Plan, it is necessary to update the adopted Local Development Scheme, to state clearly the documents which make up the development plan for the three local planning authorities and to set out the planning policy documents that the Councils will produce over the next three years. The revised LDS is attached to this report as Appendix A, and sets out the relevant details and timescales for the production of:
 - a. The Plymouth and South West Devon Supplementary Planning Document
 - b. The Managing Rural Development DPD (formally referred to as the Settlement Boundaries Development Plan Document)
 - c. The Plymouth Local Green Space Designations Development Plan Document
 - d. The revised Statement of Community Involvement
 - e. The revision of the Plymouth Community Infrastructure Levy
- 2.5 The Local Development Scheme also sets out the timescale for the review and update of the Plymouth and South West Devon Joint Local Plan.

- 2.6 The Local Development Scheme attached to this report was agreed by the Joint Local Plan Partnership Board on 24th July 2019.

3. Outcomes/outputs

- 3.1 In order to satisfy the requirements of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) it is necessary for the Local Development Scheme to be brought into force by the three JLP Councils. This report therefore asks Executive to approve the LDS in order for it to be brought into force.
- 3.2 As soon as the LDS has been approved by the three JLP Councils, it will be published on the Councils' websites as the up to date LDS.
- 3.3 The production of the documents set out in the LDS, against the timescales set out will be monitored and reported in the annual Authorities Monitoring Report.

4. Options available and consideration of risk

- 4.1 The JLP Councils are required by legislation to produce a Local Development Scheme. The documents specified and in the LDS timescales for their production are a matter for the Councils to decide.
- 4.2 The production of the Managing Rural Development DPD was decided as part of the dialogue with the Inspectors who conducted the Examination into the Plymouth and South West Devon JLP. Similarly, the production of the Plymouth and South West Devon Supplementary Planning Document was a decision that arose through the Examination of the JLP.
- 4.3 The Plymouth Local Green Space DPD is a document that affects Plymouth, and responds to the criticisms made by the Inspectors of the approach taken in the submitted JLP to Local Green Space designations in the city.
- 4.4 The timescales for these documents respond to the discussions which took place during the Examination into the JLP.
- 4.5 Finally, it is a requirement set out in regulations that Local Plans are reviewed at least 5 years from the point of adoption. The LDS sets out how the JLP Councils will meet this requirement, and goes further by showing that the Councils will have adopted an updated JLP 5 years from the point of adoption. This timescale will ensure that the three Councils will have at all times an up to date local plan.
- 4.6 All of these matters have been discussed with and agreed by the JLP Partnership Board.

5. Proposed Way Forward

- 5.1 It is proposed that the LDS is approved by the three JLP Councils and is formally brought into force. The LDS will be published on the JLP Councils' websites.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) that every Local Planning Authority has an up to date Local Development Scheme. Approval of the LDS attached to this report will satisfy that requirement.
Financial implications to include reference to value for money	Y	The LDS sets out a work programme for the planning policy teams of the three JLP Councils for the next 3 years, and in the case of the Joint Local Plan for the next 5 years. The resources required will be drawn from teams across the three JLP Councils as appropriate.
Risk	Y	The LDS sets out the planning policy documents that are required to maintain a robust development plan across the three Local Planning Authority areas and to meet statutory requirements. If the Councils did not produce these documents there is a clear risk that the planning policy framework would not be strong enough to allow the Councils to make robust planning decisions or to deliver their aspirations for the communities of Plymouth, South Hams and West Devon. There would be a clear risk that the Councils would be unable to demonstrate a 5 year land supply of sites for housing, leaving the Councils open to challenge from developers. Bringing into force the LDS and ensuring documents are produced according to the timescale set out in the document mitigates these risks.
Supporting Corporate Strategy		Council
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	All the documents described in the LDS will be subject to an Equalities Impact Assessment.
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

Supporting Information

Appendices:

Appendix A – Plymouth and South West Devon Local Development Scheme
2019

Background Papers:

None

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed/sign off	Yes
SLT Rep briefed/sign off	Yes
Relevant Heads of Practice sign off (draft)	Yes
Data protection issues considered	Yes/No
Accessibility checked	Yes/No