

Report sponsor: Strategic Director of
Communities & Place
Report author: Planning Policy Team Leader

Local Development Scheme: Version 8

Purpose

- 1.1 The Planning and Compulsory Purchase Act 2004 requires the Council to prepare and maintain a Local Development Scheme (LDS). The LDS is a project plan which sets out the details of the planning policy documents the Council will prepare, along with a timetable for their preparation, including the Local Plan.
- 1.2 As part of independently examining any new Local Plan, a Planning Inspector has to consider whether the Plan has been prepared in accordance with the LDS. Failure to comply could result in the Inspector finding the plan 'unsound' and the Council being asked to start the process again. Therefore having an up to date LDS is key.
- 1.3 At the Cabinet meeting of December 2021, approval was given to begin the preparation of a new Local Plan for Derby and a new LDS (version 8) has been prepared to set out the timetable for the production of the new plan.
- 1.4 This report therefore seeks authority to publish and bring into effect version 8 of the Derby LDS, attached at Appendix 1.
- 1.5 Since finalising the report, Government has begun a consultation on new style local plans first outlined in 2020 and then in the Levelling Up and Regeneration Bill last year. The contents of this consultation are still being digested, but there is much to be welcomed with the proposed new system. Work undertaken to date could be integrated into to a new style plan, so would not be lost. There may be a case to switch to preparing such a plan next year and even offering to act as a pilot. Further consideration will be given to this as the details of the consultation are absorbed and reported to Cabinet.

Recommendation

- 2.1 To approve Version 8 of the Derby Local Development Scheme (LDS), authorise its publication and resolve that it will come into effect from the date of this decision.
- 2.2 To authorise the Chief Planning Officer, in consultation with the Cabinet Member for Housing, Property and Regulatory Services, to agree any final changes to the LDS prior to publication.

Reason

- 3.1 To comply with section 15 of the Planning and Compulsory Purchase Act 2004, which requires Local Planning Authorities to have an up-to-date LDS in place, brought into effect from a specified date.
- 3.2 To agree any final minor amendments to the LDS prior to publication.

Supporting information

- 4.1 Section 15 of the Planning and Compulsory Purchase Act 2004 requires the Council to prepare, maintain and bring into effect a Local Development Scheme (LDS). The Local Development Scheme (LDS) is a project plan which sets out the details of the planning policy documents we will prepare, along with a timetable for their preparation. Version 8 of the Derby LDS covers the preparation and review of statutory planning policy documents covering Derby.
- 4.2 It provides the starting point for the local community, businesses, developers and other interested parties to find out what planning policy documents are being prepared. It also includes 'milestones' to inform the public about opportunities to get involved with the plan making process and to let them know the likely dates for involvement.
- 4.3 Version 8 of the Derby LDS sets out the timetable for the next 3 years of plan making activities, including setting out the key milestones for the preparation of the new Local Plan for Derby (LPD). Having commenced work on the new Local Plan during 2022, mainly in the form of gathering evidence on housing land capacity, housing and employment needs; and the City's natural capital, the LDS sets out the following key milestones on plan preparation –

• Evidence Gathering / Engagement with key stakeholders –	Sept 2022/ March 2024
• Draft Plan Consultation –	May /June 2024
• Publication Plan Consultation –	February/March 2025
• Submission for Independent Examination -	June 2025
• Examination in Public formal hearings -	Autumn 2025
• Adoption -	May 2026
- 4.4 As well as setting out the timetable for preparing the new Local Plan, the LDS also sets out the governance arrangements for producing the Local Plan. It further outlines the staff resources available to prepare the Local Plan and sets out a risk log of matters that might affect the ability to meet the key milestones and what mitigation is available to minimise these risks as far as possible.
- 4.5 Once brought into effect the LDS will be published on the Council's website and progress towards the key milestones for Local Plan preparation will be reported annually in the Authority Monitoring Report (AMR).

- 4.6 The timetable and plan preparation arrangements for the Minerals and Waste Local Plans, which are produced jointly with Derbyshire County Council, are set out separately in the Derby & Derbyshire Waste and Minerals Development Scheme (2009). These are currently under review.

Public/stakeholder engagement

- 5.1 No public or stakeholder engagement has been undertaken in developing the timetable in the LDS. However, the timetable for producing the new Local Plan does include several formal periods of public consultation so that members of the public, stakeholders, developers and other interested parties can get involved in plan making.
- 5.2 A political working group has been established as part of the Local Plan development. Membership was agreed via the Executive Scrutiny Board to ensure there is cross-party engagement through the process.
- 5.3 Members of Planning Control Committee will be kept apprised of the revisions to the LDS by way of regular Member training sessions undertaken directly before each planning committee meeting. This training is open to all members to attend alongside annual Planning training for all Members each May and the subsequent corporate member training in June.

Other options

- 6.1 Having an up-to-date LDS is a statutory requirement. Not having this in place could result in the Inspector independently examining the Local Plan finding the plan 'unsound' and the Council being asked to start the process again.
- 6.2 More ambitious timetable options for Local Plan production were considered but these were assessed as unrealistic with the resources (staff and budgetary) available.

Financial and value for money issues

- 7.1 The cost for developing and monitoring the LDS is part of the statutory requirement of having an up-to-date Local Plan. Costs will be met from the existing Local Plan budget.
- 7.2 It is difficult to estimate the total cost of preparing the Local Plan for Derby at this stage as there are many variables in terms of likely requirements in terms of studies and other evidence gathering. However, total costs are likely to be between £150,000 and £200,000 (excluding staffing costs) over the next three years; £80,000 of which will be in the current 2023/24 period. Provision for this spend is made in the Spatial Planning budget and the Local Plan Reserve. A potential shortfall has been identified in the final stages of plan preparation which will be addressed, possibly through increased fees from planning applications.

Legal implications

- 8.1 Bringing Version 8 of the Derby LDS into effect will ensure we comply with the requirements of s15 of the Planning and Compulsory Purchase Act 2004.

Climate implications

- 9.1 There are no climate change implications from bringing the new Local Development Schemes into effect. The climate change implications of the Derby Local Plan will be assessed separately through both the corporate climate change tool and a separate Sustainability Appraisal of the Local Plan.

Other significant implications

- 10.1 None

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Stephen Teasdale	28/07/2023
Finance	Janet Bowlzer	02/08/2023
Service Director(s)	Verna Bayliss, Director of City Sustainability	27/07/2023
Report sponsor	Rachel North, Strategic Director for Communities and Place	
Other(s)		

Background papers:	
List of appendices:	Appendix 1 - Local Development Scheme: Version 8