

Executive Report

Ward(s) affected: All

Report of Director of Strategic Services

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Local Development Scheme May 2020

Executive Summary

This report seeks to agree an updated Local Development Scheme (LDS) for the new Local Plan: development management policies. The LDS sets the timetable for plan production and opportunities for stakeholders to be involved in the process.

As a Development Plan Document (DPD), the Local Plan: development management policies must be prepared in accordance with the statutory process. As such there are a number of stages that it must go through, including a number of public consultations. The LDS sets out these key milestones for the forthcoming Guildford borough Local Plan: development management policies.

Recommendation to Executive

That the Executive resolves that the Local Development Scheme (LDS) as set out in Appendix 1 to this report is to have effect from 3 June 2020.

Reason(s) for Recommendation:

To progress the new Guildford borough Local Plan: development management policies by having a Local Development Scheme (LDS) with an up to date timetable for the Local Plan.

1. Purpose of Report

- 1.1 An up to date Local Development Scheme (LDS) is required to progress the new Local Plan: development management policies for Guildford borough. This document sets out a timetable for preparing the documents that make up the Council's development plan (namely the Local Plan).
- 1.2 As set out in the Planning and Compulsory Purchase Act 2004 (as amended), the Council has a statutory requirement to prepare Local Plan documents in

accordance with the timetable in the LDS. Officers have revised the timetable for the Local Plan: development management policies, and this report asks the Executive to approve the updated document.

2. Strategic Priorities

- 2.1 The updated LDS is an essential pre-requisite to achieving the new Local Plan: development management policies, which will contain a suite of planning policies that support the achievement of the Council's strategic priorities.

3. Background

- 3.1 An LDS is required by the Planning and Compulsory Purchase Act 2004 (as amended). The LDS must specify the local plans which, when prepared, will comprise part of the development plan for the area.
- 3.2 The LDS is the timetable and project plan for the production of the new Local Plan. It explains what documents the Council intends to prepare and when, in order to plan for future development in the borough.
- 3.3 The Local Plan: strategy and sites (LPSS) was adopted by the Council on 25 April 2019 and the Council is now embarking on preparing the second part of the new plan; the Local Plan: development management policies. The previous LDS, which was approved by the Leader of the Council on Tuesday 24 March 2020 and has effect from 1 April 2020. This LDS identified that the Regulation 18 consultation on the emerging Local Plan was to be undertaken during April and May 2020, following intended full Council approval on 7 April 2020. However due to COVID-19 this meeting was cancelled awaiting revised regulations governing 'virtual' meetings. These regulations are now in force and the draft Local Plan: development management policies document was considered by full Council on 5 May. At this meeting, the draft Local Plan was approved for consultation, subject to approval of the updated Statement of Community Involvement (SCI) by the Executive on 26 May 2020.
- 3.4 As a result of this delay the LDS requires further updating to reflect the anticipated new timetable for the preparation of the draft Local Plan.

4. Consideration of the timetable

- 4.1 There are a number of stages in the process that are difficult to quantify and could potentially result in delays to the new adoption date. First, the number of responses received as part of the various consultation stages. The previous LPSS generated a significant number of responses however it is envisaged that the less contentious nature of this plan will result in far fewer responses. However should a significant number of responses be received then these will take time to process and may result in delays to the process.
- 4.2 Second, the LDS assumes that there will be only one Regulation 18 consultation and one Regulation 19 consultation. This accords with the minimum statutory

requirements in producing a new Local Plan. Whilst the changes between Regulation 18 and Regulation 19 consultation versions can be significant, main modifications cannot be made to the Regulation 19 consultation version and the version that is subsequently submitted to the Secretary of State (the Submission Local Plan). For this reason, if main modifications are considered necessary then a further Regulation 19 consultation would need to be undertaken and this would result in a delay to the process.

- 4.3 Subject to the approval of the updated SCI on 26 May 2020, Regulation 18 consultation on the emerging Local Plan is scheduled to occur in June-July 2020. The LDS has been updated to reflect this change. As a result of this delay, the updated LDS also indicates that the next stage (analysis of representations, preparation of submission plan, sustainability appraisal, governance processes) will only begin in August 2020, following the close of the 7-week consultation period.
- 4.4 At this stage it is considered appropriate to retain the same timetable for the stages that follow this one. For the reasons set out above there is considerable uncertainty regarding how quickly the Regulation 19 consultation version of the plan can be published given this is dependant to a great degree upon the level and complexity of the responses received to the Regulation 18 consultation. On the assumption that fewer responses will be received, it is considered that the period between Regulation 18 and Regulation 19 could be reduced and it may therefore be possible to accommodate the current delay without consequential impacts on the overall timetable.

5. Scope of the new Local Plan

- 5.1 The Local Plan: development management policies will provide the more detailed policies to be used by Development Management in the determination of planning applications. Once adopted it will supersede all the extant Local Plan 2003 policies and will form part of the Council's development plan.

6. Consultations

- 6.1 The timetable has been shared with the Leader and Portfolio holder.

7. Key Risks

- 7.1 The risks of delay to the process as a result of higher than anticipated levels of consultation or the need for further consultation are covered above in para 4.1 and 4.2.
- 7.2 Significant changes to legislation especially in relation to biodiversity and climate change could also necessitate revisiting policies and potentially further consultation.

8. Financial Implications

- 8.1 The costs associated with preparing the new Local Plan: development management policies can be considered against a number of discrete parts:
- Finalising the evidence base – includes costs associated with consultants and the commissioning of studies. This includes ongoing external support preparing the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)
 - Carrying out Regulation 18 and Regulation 19 consultations. This would include costs associated with undertaking consultation events (venue hire, etc) and temporary staff necessary to input consultation responses into the consultation database.
 - Legal costs. This includes ongoing support by barristers to the plan meets all legal requirements.
 - Examination costs. This includes costs associated with funding an independent planning inspector and programme officer to support them.
- 8.2 The above expenditure has been budgeted for.

9. Legal Implications

- 9.1 A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). This must specify the development plan documents (i.e. local plans) which, when prepared, will comprise part of the development plan for the area. The Local Development Scheme must be kept up-to-date and made publicly available.
- 9.2 Under the Council's Constitution and in accordance with section 9D Local Government Act 2000, the Executive has the power to make decisions in relation to the coming into effect of the Local Development Scheme.

10. Human Resource Implications

- 10.1 As we prepare the Local Plan there will be additional temporary resources needed at crucial times such as during and after a consultation period in order to input and process responses. There is also likely to be overtime implications for existing staff during these periods. Over and above this, we do not envisage the need for additional staffing resource.

11. Equality and Diversity Implications

- 11.1 All public authorities are required by the Equalities Act 2010 to specifically consider the likely impact of their policy, procedure or practice on certain groups in the society.
- 11.2 It is our responsibility to ensure that our policies, procedures and service delivery do not discriminate, including indirectly, on any sector of society. Council policies, procedures and service delivery may have differential impacts on certain groups with protected characteristics, and these will be highlighted in the Equalities Impact Assessment (EqIA) screening. Likely differential impacts must be

highlighted, and described, as some may be positive. Where likely significant adverse differential impacts are identified, consideration should be given to opportunities to reduce or mitigate this through a full equalities impact assessment.

11.3 There is no requirement for an EqIA on the LDS.

12. Climate Change/Sustainability Implications

12.1 The updated LDS is an essential pre-requisite to achieving the Local Plan: development management policies. The new Local Plan will contain a suite of planning policies that contribute to the achievement of climate change objectives.

13. Conclusion

13.1 Having an up to date LDS is a fundamental requirement to enable the Council to progress the new Local Plan through to adoption. It is important that members of the public and other interested parties know the Council's timetable for producing our Local Plan, and how and when they can get involved.

14. Appendices

Appendix 1: Guildford Borough Council Local Development Scheme May 2020