



**Report to: Place and Economic Development Committee, 6<sup>th</sup> September 2021**

**Report of: Corporate Director - Planning and Governance**

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**Subject: LOCAL DEVELOPMENT SCHEME 2021-2024**

**1. Recommendation**

- 1.1 That the Local Development Scheme 2021-2024 set out at Appendix 1 is approved to come into effect from 1<sup>st</sup> October 2021.**
- 1.2 That delegated authority is given to the Corporate Director – Planning and Governance in consultation with the Chair and Vice Chair of Place and Economic Development Committee to make minor amendments to the LDS prior to publication.**

**2. Background**

2.1 Section 15 of The Planning and Compulsory Purchase Act 2004, as amended, sets out the requirement for Local Planning Authorities to prepare and maintain a scheme of planning policy documents that it intends to produce. The Local Development Scheme (LDS) has two main purposes:

- To inform the public about the preparation and adoption of planning documents; and
- To establish and reflect council priorities and enable work programmes to be set for the preparation of the documents.

2.2 The most recent LDSs for the SWCs were adopted in October 2020. The National Planning Practice Guidance (NPPG) states that Local Development Schemes should be reviewed at least annually. The September 2021 LDSs will cover the period 2021-2024. It is important that the LDS is updated regularly as when Development Plan Documents (DPDs) are examined one of the tests to be passed is whether the DPD has been prepared in accordance with the timetable in the LDS.

2.3 The revised LDS includes the following main changes:

- Updates to the timetable of the South Worcestershire Development Plan Review (SWDP Review) work programme.
- Updates to the timetable of the Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD).
- Updates to the positions of Neighbourhood Plans and Minerals and Waste Planning.

- Updates to the Statement of Community Involvement (SCI) to reflect the removal of the temporary measures previously applied relating to consultation methods as a result of the Covid-19 pandemic.

### **3. SWDP Review**

- 3.1 Members may recall that the 'Preferred Options' consultation of the SWDP Review was carried out in late 2019. Since the completion of this consultation, work has been progressing on the 'Publication' version of the SWDP. However, the review of the SWDP was delayed due to the impact of the Covid-19 pandemic. The intention was for the SWDP review to be ready for examination in early 2021, but lockdown restrictions made it impossible to complete a number of technical assessments and evidence gathering needed to support the plan. Further, in updating the evidence base, advice from Counsel recommended that an additional round of consultation was factored into the SWDP timetable prior to submission of the plan for examination to allow for the opportunity for those who wish to comment on the revised version of the plan to make representations. To allow for this to happen, the SWDP timetable was updated to propose submission of the SWDP for examination in March 2022, with adoption in April 2023 (subject to the examination timescale).
- 3.2 Since the production of the October 2020 LDS, work has been progressing on the Regulation 19 (Publication) version of the SWDP Review. A further Regulation 18 (III) consultation (focussing on the Sustainability Appraisal) was successfully carried out in March 2021. However, the combination of a further national lockdown in 2021 and delays to the production of key evidence base updates relating to infrastructure and viability (including detailed site-specific work at the proposed strategic locations), have meant that the SWDP Review is not in a position to progress the Regulation 19 (Publication) stage in October 2021.
- 3.3 There are a number of workstreams which have not progressed as quickly as originally envisaged including with regard to the Infrastructure Delivery Plan. Work is still ongoing on the transport infrastructure requirements, from Highways England and Worcestershire County Council. Worcestershire County Council work is expected to be completed in September 2021. There is also further infrastructure work required on water supply, drainage, energy and health provision requirements for the strategic growth areas. Subsequent to this, the plan will be subject to viability assessment, which may trigger a need for alternative sources of funding to be identified alongside any revisions to infrastructure requirements. Additionally, there are also a number of policies and evidence bases to be finalised.
- 3.4 Further, owing to local elections being undertaken in Worcester City in 2022 (there are no local elections scheduled for either Malvern Hills or Wychavon districts), a period of purdah between March and May 2022 has also informed the SWDP review timeframe. Whilst the Publication version of the SWDP (and the accompanying evidence base) may be approaching completion prior to the purdah period commencing, even if the SWDP review can progress through the three South Worcestershire Council's committee cycles prior to the start of the Worcester City purdah period, the Regulation 19 consultation (six weeks) will end up running during purdah. Accordingly, it has been determined that the Regulation 19 stage of the SWDP review will be taken through the committee cycles after the conclusion of the Worcester City local elections and the end of the purdah period meaning the Regulation 19 public consultation would commence in July 2022.

3.5 In accordance with the Local Development Scheme, the revised SWDP Review timetable has therefore been updated as follows:

- Publication Consultation (Regulation 19) – July to August 2022
- Submission (Regulation 22) – November 2022
- Independent Examination (Regulation 24) – February 2023 - May 2023<sup>1</sup>
- Receipt of Inspector’s Report (Regulation 25) – August 2023<sup>2</sup>
- Adoption (Regulation 26) – October 2023

3.6 The dates given above relating to the setting of the Independent Examination are indicative only as once the SWDP Review has been submitted to the Planning Inspectorate the detail of the timing is subject to their resources, availability of Inspectors and the number of local plans going through the system at the time.

3.7 The updates to the plan production timetable will result in the SWDP being more than five years old at the point it is submitted for examination. However, submission of the plan for examination is considered to be a good demonstration of progress in undertaking a review of the plan. Further, the South Worcestershire Councils continue to be in a positive position regarding their five-year housing land supply.

3.8 The South Worcestershire Councils will be seeking further advice from Counsel prior to progressing to the Regulation 19 Publication stage. This is in order to gain legal opinion relating to overall plan soundness (with the onus on land assembly, viability and infrastructure planning, as identified areas of focus in previous Counsel advice) and overall compliance with the necessary legal requirements.

#### **4. Planning for the Future White Paper**

4.1 It should also be noted that the full findings and recommendations from the Government’s ‘*Planning for the Future*’ White Paper (consulted on in August 2020), have yet to be published. The White Paper set out the Government’s proposals for reforming the planning system in England. A technical consultation titled ‘*Changes to the current planning system*’ was also produced which proposed a number of changes to planning policy and regulations. The Government have responded to the technical consultation, which principally related to the standard method for assessing local housing need and the introduction of ‘First Homes’. In short, the ‘standard method’ was retained in its current form, but in order to deliver more homes on brownfield land, it was reformed to place a 35 per cent uplift requirement on Greater London and the other 19 most populated cities and urban centres in England. For ‘First Homes’, a Written Ministerial Statement was published on 24 May 2021, incorporating First Homes into National Planning Practice Guidance. First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of ‘affordable housing’ for planning purposes.

4.2 In terms of the ‘*Planning for the Future*’ White Paper, whilst the full findings and recommendations are yet to be published, a further consultation relating to the

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<sup>1</sup> Timeframe is dependent upon availability and scheduling at the Planning Inspectorate.

<sup>2</sup> A ‘Main Modifications’ consultation may be required at this stage of the plan-making process subject to the Inspector’s examination findings.

National Planning Policy Framework (NPPF) was carried out in January 2021, which principally related to design matters. Of particular focus was the introduction of the National Model Design Code. Following the consultation, a revised NPPF was produced in July 2021.

- 4.3 Depending on when the full findings of the '*Planning for the Future*' White Paper are published, there may be further implications for the review of the SWDP, although it is anticipated that transitional arrangements in forthcoming legislation will allow for the South Worcestershire Councils to progress with the SWDP review under the current planning system.

## **5. Travellers and Travelling Showpeople DPD**

- 5.1 Members may recall that the 2019 and 2020 LDS updates included revised timetables for the Travellers and Travelling Showpeople DPD. The alterations to the LDS and timetable for the SWDP Review have allowed for the reconsideration of the timetable for the Travellers and Travelling Showpeople Site Allocations DPD. The DPD was subject to a recent public consultation on the Preferred Options from May to July 2021 and the revised timescale is now as follows:

- Publication public consultation (Reg 19) – January to February 2022
- Submission to Planning Inspectorate (Reg 22) – June 2022
- Independent Examination (Reg 24) – September 2022 – January 2023<sup>3</sup>
- Receipt of the Inspector's Report (Reg 25) – April / May 2023<sup>4</sup>
- Adoption (Reg 26) – July 2023

- 5.2 It should be noted that the DPD is being prepared to support policy SWDP 17 in the adopted SWDP (2016) and is not dependent on the SWDP Review progress. Further above elements of the timetable are subject to the Planning Inspectorate's resources and availability of an Inspector.

## **6. Other Changes to the LDS**

- 6.1 Under the Government's emergency Covid-19 Regulations relating to the planning system, Local Planning Authorities were advised to update their respective Statements of Community Involvement (SCI) to effectively exclude any direct public consultation. This was undertaken last year and as the Covid-19 Regulations have now been withdrawn each SCI will need to be readopted accordingly.
- 6.2 Since the adoption of the October 2020 LDS there have been several neighbourhood plans in the South Worcestershire Council areas that have been adopted, progressed to final public consultation stage or examination and the LDS has been updated accordingly.
- 6.3 Worcestershire County Council's Minerals Local Plan has progressed to beyond the hearing stage which took place towards the end of 2020. Worcestershire County Council commenced public consultation on main modifications to the Minerals Local Plan at the beginning of August 2021. However, this has been temporally suspended to late August due to technical difficulties with elements of the background information and data. The LDS has been updated to reflect this.

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<sup>3</sup> Timeframe is dependent upon availability and scheduling at the Planning Inspectorate.

<sup>4</sup> A 'Main Modifications' consultation may be required at this stage of the plan-making process subject to the Inspector's examination findings.

## **7. LDS Review Process**

- 7.1 It is best practice to review the LDS annually and where required to extend/update the work programme for a 12-month period and ensure a rolling three-year work programme is maintained. The LDS revision therefore sets out key milestones up until December 2024.
- 7.2 There is no longer a requirement to include Supplementary Planning Documents (SPDs) within the LDS. However, the 2017 LDS included two SPDs which have not been progressed – the 'Archaeology and the Historic Environment' SPD and the 'Biodiversity' SPD. These were removed from the LDS in 2018, however the City Council or the South Worcestershire Councils can still prepare SPDs to provide more detail on policies in the SWDP if required and if resources allow.

## **8. Preferred Option**

- 8.1 The preferred option is to approve the LDS set out at Appendix 1 to this report to come into effect from 1<sup>st</sup> October 2021.

## **9. Alternative Options Considered**

- 9.1 The alternative option is to continue to work to the current LDS and not approve a revised version at this time. However, the NPPG requires authorities to review their LDS at least annually and it has always been considered best practice to do so. There is also a requirement to prepare DPDs in accordance with an up-to-date LDS, and therefore not keeping the LDS up to date could have negative consequences for the examination of the SWDP Review.

## **10. Implications**

### **10.1 Financial and Budgetary Implications**

There are financial implications associated with preparing the documents set out within the LDS, most notably the review of SWDP. Continuing to work jointly across south Worcestershire enables costs to be shared. The biggest cost is staff resources but in addition to this, costs will be incurred in updating the evidence base to support a plan review. However, the principle of reviewing the SWDP has already been agreed; the current iteration of the LDS provides clarity in relation to the anticipated timetable through to adoption of the SWDP Review.

### **10.2 Legal and Governance Implications**

The preparation of the LDS is a statutory requirement under The Planning and Compulsory Purchase Act 2004, as amended.

### **10.3 Risk Implications**

Not maintaining an up-to-date Local Plan could result in planning by appeal, particularly given that the SWDP is now more than five years old. Not maintaining an up-to-date LDS could have negative consequences for the examination of the SWDP.

### **10.4 Corporate/Policy Implications**

The LDS itself does not establish policy, however it provides a clear project plan for the preparation of the City Council's planning policy documents.

10.5 Equality Implications

An Equality Impact Assessment is not required for the production of the LDS as it is simply the project plan for preparing planning documents and does not in itself contain any policies. Local Development Documents are themselves subject to Equality Impact Assessment at the appropriate plan making stages.

10.6 Human Resources Implications

None

10.7 Health and Safety Implications

None

**Ward(s):**

**All**

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**Background Papers:**

**Appendix 1: Worcester City Council - Local Development Scheme (2021-2024)**