

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Council
<b>Date of Meeting:</b>	19 September 2017
<b>Subject:</b>	Local Development Scheme - Delegation
<b>Report of:</b>	Annette Roberts, Head of Development Services
<b>Corporate Lead:</b>	Robert Weaver, Deputy Chief Executive
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	None

## **Executive Summary:**

The Tewkesbury Borough Local Development Scheme outlines the timetable for preparing statutory development plan documents in the Borough. The published version (adopted by the Council in April 2013) requires revision as the timetable is now out of date following an extended examination of the Joint Core Strategy and needs updating in order to prevent further delay in the progression of the development plan documents (both the Joint Core Strategy and the Tewkesbury Borough Plan).

## **Recommendation**

**That authority be delegated to the Executive Committee to update the Local Development Scheme in respect of the timetabling of both the Joint Core Strategy and the Tewkesbury Borough Plan as may be required from time to time to reflect the progression of the Joint Core Strategy and the Tewkesbury Borough Plan.**

## **Reasons for Recommendation:**

In order to fulfil the Council's statutory duty to set out to prepare and maintain a Local Development Scheme setting out the project timetable for preparing and revising development plan documents ('Local Plan').

## **Resource Implications:**

None in respect of the recommended delegation itself other than saving the matter going to Council each time a timetabling update is required.

## **Legal Implications:**

The preparation and maintaining of a Local Development Scheme is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). This must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area and the timetable for the preparation and revision of those documents. The Local Plan, together with Neighbourhood Plans making the Development Plan for the Borough.

**Risk Management Implications:**

The main risk associated with the Local Development Scheme relates to the failure to reach key milestones in the time specified and not updating these causing delay to the progression of the development plan documents identified, as such development plan documents when examined need to be prepared in accordance with the Local Development Scheme.

**Performance Management Follow-up:**

To be monitored through the Authority Monitoring Report.

**Environmental Implications:**

The Local Development Scheme provides organisations and individuals with responsibilities/interests in environmental issues with information as to when they can get involved with planning policy processes in the Borough and keep track of progress of the same.

**1.0 INTRODUCTION/BACKGROUND**

- 1.1** Local Planning Authorities are required by law to prepare, publish and maintain a Local Development Scheme (LDS) setting out the timetable for preparing statutory development plan documents, which form the Local Plan. This report seeks the delegation of the updating of the Local Development Scheme in respect of the timetabling of both the Joint Core Strategy (JCS) and the Tewkesbury Borough Plan (TBP) to the Executive Committee.
- 1.2** The Council's first Local Development Scheme was prepared in March 2005 and was subsequently revised in November 2009 and April 2013 (2013 LDS). It had been anticipated in the 2013 LDS, on information available at that time and looking for the shortest timescales possible, that the JCS would be submitted in August 2014 and adopted in December 2014.
- 1.3** The JCS was submitted for examination in November 2014 and the JCS has been in examination since that time. Hearings on proposed main modifications took place in July 2017. On the basis that there will be no further hearings and the Inspector will be moving to her Final Report, an updated LDS to incorporate the steps to date and the anticipated date of adoption of the JCS is required in order for statutory requirements in respect of the LDS to be met.
- 1.4** With the TBP being dependent on the JCS higher level policy to shape its content and its timetabling needing to follow after the preparation stages of the JCS, the 2013 LDS anticipated submission of the TBP in February 2015 and adoption in August 2015. The LDS now needs to reflect the changes to the timetable.

- 1.5** There has not been an opportunity for officers to prepare an updated LDS for this Council meeting and the next scheduled Council meeting is not until 5 December 2017. The next Executive Committee meeting is scheduled for 11 October 2017. In order to allow the Executive Committee to consider and adopt an LDS updated in respect of the timetabling of both the Joint Core Strategy and the Tewkesbury Borough Plan, to avoid undue delay to the updating of the LDS in this respect, this report as a matter of urgency seeks the resolution of the Council to delegate authority to the Executive Committee to update the Local Development Scheme in respect of the timetabling of both the Joint Core Strategy and the Tewkesbury Borough Plan. In order that if there is any need in future to further update the LDS in this regard, without the delay of a period of months there can be between Council meetings, the delegation is recommended to be as may be required from time to time.

## **2.0 LOCAL DEVELOPMENT SCHEME PURPOSE**

- 2.1** The purpose of the LDS is to set out the documents that will comprise the Local Plan and which will be prepared by Tewkesbury Borough. It also needs to give details as to what they will contain and their production schedule. It is important that plans for the future of the Borough are produced in a timely and efficient manner. If they are not, development which is necessary for the Borough's continued growth and prosperity may be delayed or abandoned, the coordination of housing development and infrastructure provision may be difficult to achieve and there is the potential for development to be approved on appeal in locations that the Council does not consider suitable.

- 2.2** The Development Plan Documents that Tewkesbury Borough Council intend to make up its Local Plan (as already set out in the current LDS) are:

- the Joint Core Strategy (strategic level document allocating large scale housing and employment sites – covers matters relating to Gloucester, Cheltenham and Tewkesbury areas); and
- the Tewkesbury Borough Plan (Borough level document looking at issues specific to Tewkesbury Borough, for example non-strategic development/site allocations, rural housing and economic strategies).

- 2.3** The 2013 LDS presented a timetable that sought to put these plans in place as soon as possible, whilst incorporating a number of statutory consultation stages as well as the production of a robust evidence base within the resources available.

## **3.0 DEVELOPMENT PLAN PREPARATION STAGES**

- 3.1** There are numerous factors which influence the preparation of statutory development plan documents, some of these are within the control of Tewkesbury Borough Council but many lie beyond the Authority's remit. These range from global financial and environmental impacts to national planning policy and resources to local community priorities and decisions.

## **4.0 OTHER OPTIONS CONSIDERED**

- 4.1** None.

## **5.0 CONSULTATION**

- 5.1** The preparation and maintaining of an LDS does not require public consultation as it is effectively the Council's work plan. However, the other Councils with whom Tewkesbury Borough Council is preparing the JCS (Cheltenham Borough Council and Gloucester City Council) will also shortly be seeking to update their respective LDS in respect of the timetabling of both the Joint Core Strategy and their respective district level plans (the Cheltenham Plan and the Gloucester City Plan respectively).

## **6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

- 6.1** Emerging Joint Core Strategy.  
Emerging Tewkesbury Borough Plan.  
Tewkesbury Borough Local Plan to 2011.

## **7.0 RELEVANT GOVERNMENT POLICIES**

- 7.1** Planning and Compulsory Purchase Act 2004.  
Localism Act 2011.  
National Planning Policy Framework (2012).  
Town and Country Planning (Local Planning) (England) Regulations 2012.)

## **8.0 RESOURCE IMPLICATIONS (Human/Property)**

- 8.1** The LDS is based upon adequate resources being available to satisfactorily complete each stage of the work. This includes: Planning Policy Team and other staff input; evidence base; assessments/appraisals; communications/materials/publicity; and community involvement.

## **9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

- 9.1** None directly related to this report, although a development plan led approach to development will help ensure that new development is supported by the necessary facilities and infrastructure. The adoption of the JCS and the TBP will remain matters to be decided by the Council.

## **10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

- 10.1** The timetables set out in the LDS need to reflect the statutory and democratic processes that govern plan preparation combined with the resources available to undertake the work.

**11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

- 11.1** 16 April 2013 – approval of LDS by Council (from 6 March 2013 Executive Committee recommendation)

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**Background Papers:** None.

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**Appendices:** None.