

Committee Name and Date of Committee Meeting

Cabinet – 23 December 2019

Report Title

Rotherham Local Plan – Local Development Scheme

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Ryan Shepherd, Senior Planning Officer
01709 823888 or ryan.shepherd@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The Local Development Scheme (LDS) sets out a project plan for the preparation, adoption and review of Rotherham Local Plan documents. The report outlines a revised LDS setting out the timescale for taking forward a partial update of the Local Plan Core Strategy (approved by the Council on 8 July 2019).

Recommendations

1. That Cabinet recommend to Council that the revised Local Development Scheme be adopted with effect from 23 January 2020.

List of Appendices Included

Appendix 1 Equality Analysis Screening

Appendix 2 Revised Rotherham Local Plan – Local Development Scheme

Background Papers

Local Development Scheme (adopted July 2015)

https://www.rotherham.gov.uk/info/200074/planning_and_regeneration/1314/local_plan_timetable

Local Plan Core Strategy Five Year Review – Cabinet Agenda Item (8 July 2019)

<https://moderngov.rotherham.gov.uk/mgAi.aspx?ID=85214>

Planning and Compulsory Purchase Act 2004
<http://www.legislation.gov.uk/ukpga/2004/5/contents>

Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2011/20/contents>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

Yes

Exempt from the Press and Public

No

Rotherham Local Plan – Local Development Scheme

1. Background

- 1.1 The Planning and Compulsory Purchase Act 2004 (as amended) requires the local planning authority to prepare and maintain a Local Development Scheme (LDS). The LDS sets out a project plan for the preparation and review of the Development Plan Documents that comprise the Rotherham Local Plan.
- 1.2 The LDS was last formally revised in July 2015 (Council meeting 8/7/15, minute 34 refers). Since that time the Council has introduced a Community Infrastructure Levy and, with adoption of the Sites and Policies Document in June 2018, now has a complete Local Plan in place.
- 1.3 Following a review of the Local Plan Core Strategy, members approved commencement of a partial update of the Core Strategy on 8 July 2019 (Cabinet 8/7/19, minute 31 refers). The revised LDS attached at Appendix 2 sets out further details and a programme for undertaking the Core Strategy Partial Update.

2. Key Issues

- 2.1 Approval of the LDS is sought in order to comply with planning legislation, to enable the progress of the Core Strategy Partial Update and to ensure that an up-to-date planning policy framework is in place for the Borough's future growth and development.
- 2.2 It is important that the Council adopts a realistic and achievable programme for the Core Strategy Partial Update. The process of adopting the Council's Core Strategy Partial Update will involve examination by the Planning Inspectorate; one of the legal compliance checks that the planning inspector will carry out is that the document has been produced in conformity with the LDS.
- 2.3 The LDS does not cover the detailed content of the Core Strategy Partial Update or other Local Plan documents nor the process for preparing and consulting on them. Any future documents will be subject to separate reports requiring Cabinet or Council approval prior to public consultation, submission and adoption. Milestones for the Core Strategy Partial Update are summarised below:

Commencement and pre-production	January 2020
Consultation with statutory bodies on the scope of the Sustainability Appraisal	July / August 2020
Public consultation on draft Local Plan and Sustainability Appraisal	October / November 2021

Publication of Local Plan for "soundness" representations and Sustainability Appraisal	July / August 2022
Submission of Local Plan and Sustainability Appraisal to Central Government	February 2023
Independent Examination by Government-appointed Planning Inspector	August 2023
Receipt of Inspector's report	September 2024
Adoption of the Local Plan by the Council	January 2025

- 2.4 To enable the programme of work to be followed a number of evidence-based studies and background documents will be prepared internally. In addition to this work additional expenditure will be required to provide robust evidence to ensure that the Core Strategy Partial Update meets the requirements of relevant legislation as well as costs associated with undertaking public consultation and the costs of independent examination.

3. Options considered and recommended proposal

3.1 Option 1: Adopt the revised LDS

Adoption of the revised LDS will allow progress to be made towards allocating budget and officer resources for, and taking forward, the Core Strategy Partial Update within a realistic timescale.

3.2 Option 2: Adopt the revised LDS with alternative timescales

The LDS sets out a realistic and achievable programme for undertaking the Core Strategy Partial Update, taking account of currently available resources. Any amendment to reduce the timescales would require additional budget and staffing resources in order to be achievable.

3.3 Option 3: Do not adopt the revised LDS

Should the Council decide not to adopt the revised LDS then progress cannot be made with the Core Strategy Partial Update. Where Local Plan policies are out of date the Council's ability to deliver its strategic objectives would be harmed. It would mean the Council may be at risk of decisions being challenged by planning appeals, and reduce the ability to provide certainty for residents, developers and investors.

- 3.4 Option 1 is the recommended option. This would deliver a realistic and achievable programme for the Core Strategy Partial Update within existing resource constraints, in order to ensure an up-to-date Local Plan is in place to assist the Council in delivering its strategic objectives for the Borough.

4. Consultation on proposal

- 4.1 The timescale set out in the revised Local Development Scheme has been informed by discussions with other service areas that are likely to contribute to the Core Strategy Partial Update. There is no requirement to undertake public consultation on the Local Development Scheme; however, the document does indicate when public consultation on the Core Strategy Partial Update is programmed to take place.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Subject to approval by Cabinet, the revised LDS at Appendix 2 would be recommended to Council for adoption at the next available meeting, currently scheduled for 22 January 2020, and would come into force on 23 January 2020.
- 5.2 On adoption, the revised LDS would be made available on the Council's website. Work would then progress on the Core Strategy Partial Update in line with the LDS.

6. Financial and Procurement Advice and Implications

- 6.1 The Core Strategy Partial Update relies on the preparation of technical evidence and supporting documents, undertaking public consultation, and examination and adoption costs. Existing approved budgets fund the team preparing the revised LDS.
- 6.2 A budget profile has been drawn up which identifies the additional resource requirement to support the Core Strategy Partial Update. Depending on the length of the examination the greatest cost, estimated at £40k, is for the Planning Inspectorate fees although this is unlikely to be incurred until 2024. The total estimate of costs including those for evidence base studies, appraisals and consultation is £169,000 but this is for all five years; the first year for full cost (2020-21) amounts to £48,000.
- 6.3 There are no direct procurement implications within this report.

7. Legal Advice and Implications

- 7.1 As stated in the body of the report the LDS is the starting point for the local community and stakeholders to find out about the status of the Local Planning Authority's (LPA) planning policy documents. As referred to above, every LPA must prepare and maintain an LDS pursuant to section 15(1) of the Planning Compulsory Purchase Act 2004. LPAs are then responsible for monitoring progress made in preparing their Development Plan documents against the timetable set out in the LDS.
- 7.2 Pursuant to section 15(7) of the Planning and Compulsory Purchase Act 2004 to bring the LDS into effect, the Council must:
- Resolve that the LDS is to have effect.

- Specify in the resolution the date from which the LDS is to have effect.

8. Human Resources Advice and Implications

- 8.1 There are no Human Resources implications associated with the adoption of the revised LDS.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no implications for children and young people and vulnerable adults associated with adoption of the revised LDS.

10. Equalities and Human Rights Advice and Implications

- 10.1 An equalities screening has been completed and is attached at Appendix 1. A full equalities analysis is not required.

11. Implications for Partners

- 11.1 The implications for partners or other directorates are mainly associated with awareness of the programme for undertaking the Care Strategy Partial Update.

12. Risks and Mitigation

- 12.1. Local planning authorities are required to prepare and maintain a Local Development Scheme under The Planning and Compulsory Purchase Act 2004 (as amended). If the preparation of documents differ significantly from the timetables set out in the LDS, this is likely to lead to a finding of non-compliance with the statutory legal test at the independent examination of the relevant document, making it 'unsound'.
- 12.2 Ensuring that an up-to-date Local Plan is in place will provide a steer for all future development and neighbourhood plans under the provisions of the Localism Act. Failure to do so may leave the Council at risk of planning decisions being challenged by planning appeals, and reduce the ability to provide certainty for residents, developers and investors.
- 12.3 Costs have been estimated based on information available at the present time. There is a risk that additional budget may be required should the results of public consultation highlight the need for further work. Furthermore, the final cost of examination will be determined by the timescales established by the independent planning inspector, which is beyond the Council's control.

13. Accountable Officers

Bronwen Knight, Head of Planning and Transport, Regeneration & Environment.

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	12/12/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	04/12/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	28/11/19

Report Author: Ryan Shepherd, Senior Planning Officer
01709 823888 or ryan.shepherd@rotherham.gov.uk

This report is published on the Council's [website](#).