

Committee Name and Date of Committee Meeting

Cabinet – 29 July 2024

Report Title

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

Andrew Bramidge, Interim Strategic Director of Regeneration and Environment

Report Author(s)

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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 to amend the timetable for the partial update of the Local Plan Core Strategy and include the preparation of a South Yorkshire Joint Waste Plan.

Recommendations

1. That Cabinet recommends to Council that the revised Local Development Scheme be adopted at the next available meeting.

List of Appendices Included

Appendix 1 Rotherham Local Plan: Revised Local Development Scheme
Appendix 2 Equality Part A – Screening
Appendix 3 Carbon Impact Assessment

Background Papers

National Planning Policy Framework

<https://www.gov.uk/guidance/national-planning-policy-framework>

The Town and Country Planning (Local Planning) (England) Regulations 2012

<https://www.legislation.gov.uk/ukxi/2012/767/contents/made>

Rotherham Local Plan 2013 – 2028

<https://www.rotherham.gov.uk/planning-development/guide-local-plan/1>

Local Development Scheme (adopted January 2020)

<https://www.rotherham.gov.uk/downloads/file/914/local-development-scheme-january-2020->

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

Yes

Exempt from the Press and Public

No

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, adoption and review of the Development Plan Documents that comprise the Rotherham Local Plan.
- 1.2 The LDS is not a development plan document, it does not include any policies or allocate sites for development. It is a project plan that sets out the development plan documents that the Council will progress to adoption, with a timetable and milestones for each document. It also includes a risk assessment for the programme.
- 1.3 The LDS was last revised in January 2020 (Council meeting 22/01/20, minute 293 refers). Since that time the Council has commenced a partial update of the Local Plan Core Strategy, carried out the five year review of the Sites and Policies Document, adopted three Neighbourhood Plans and produced, consulted on and adopted a suite of 15 Supplementary Planning Documents.
- 1.4 Following a review of the Local Plan Core Strategy, members approved commencement of a partial update to the document on 8 July 2019, including an estimate of costs (Cabinet 8/7/19, minute 31 refers). Work has been ongoing but revisions to the National Planning Policy Framework (NPPF) necessitated a refresh of the 2019 Core Strategy review. This refresh has been carried out in 2023, building on the previous review and bringing it up to date to reflect the revised NPPF and other significant policy and strategic developments, such as the Environment Act 2021 and the release of 2021 Census data. Significant detailed work on housing land supply has also been completed to underpin the Core Strategy Partial Update and provide evidence that its distribution of growth is robust and remains fit for purpose.
- 1.5 All waste planning authorities are legally required to have an up-to-date development plan including policies covering the strategic planning policy requirements for waste. The waste planning policies for Barnsley, Doncaster and Rotherham Councils are currently contained within the Barnsley, Doncaster, and Rotherham (BDR) Joint Waste Plan 2012 to 2026. The BDR Waste Plan is time limited to 2026, and Sheffield is reliant on “saved” waste policies from its Core Strategy, so all the South Yorkshire authorities are in a position where they need to progress a Waste Local Plan. Officers have worked with the other South Yorkshire authorities to complete a joint Waste Needs Assessment (April 2022) to provide evidence to underpin the preparation of a South Yorkshire Joint Waste Plan. A steering group for the work is established and a Memorandum of Understanding on joint working has been agreed (Delegated Decision 1/12/23).
- 1.6 The revised LDS attached at Appendix 1 includes an amended timetable for the Core Strategy Partial Update that is already underway. It also includes

the South Yorkshire Joint Waste Plan as a new development plan document that the Council will progress to adoption.

2. Key Issues

- 2.1 Approval of the LDS is sought to comply with planning legislation, to enable the preparation of the Core Strategy Partial Update and South Yorkshire Joint Waste Plan 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 plan will involve examination by the Planning Inspectorate; one of the legal compliance checks by the inspector is that the document has been produced in conformity with the timetable set out in 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 draft 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:

Core Strategy Partial Update	
Consultation with statutory bodies on the scope of the Sustainability Appraisal	Completed
Public consultation on draft Plan and Sustainability Appraisal	August / September 2024
Publication of Plan for "soundness" representations and Sustainability Appraisal	February / March 2025
Submission of Plan and Sustainability Appraisal to Secretary of State	June 2025
Independent Examination by Government-appointed Planning Inspector	July / November 2025
Receipt of Inspector's Report	November 2025
Adoption of the Plan by the Council	March 2026

- 2.4 The timetable for the South Yorkshire Joint Waste Plan is dependent on revised regulations confirming the stages required under the new local plan system, following the Levelling Up and Regeneration Act 2023. Milestones for the Joint Waste Plan are summarised below:

South Yorkshire Joint Waste Plan	
Notice of Plan commencement	September / October 2024
Public consultation on draft Plan and Sustainability Appraisal (Issues and Options)	February / March 2025
Public consultation on draft Plan and Sustainability Appraisal	June / July 2025
Publication of Plan for "soundness" representations and Sustainability Appraisal	April / May 2026
Submission of Plan and Sustainability Appraisal to Secretary of State	November 2026
Independent Examination by Government-appointed Planning Inspector	December 2026 / May 2027
Receipt of Inspector's Report	May 2027
Adoption of the Plan by the Council	September 2027

- 2.5 Several studies and background documents will be prepared internally to enable the programme of work to be progressed. Additional expenditure will be required to provide robust evidence to ensure that the Core Strategy Partial Update and Joint Waste Plan meet the requirements of relevant legislation, as well as the costs associated with undertaking public consultation and independent examination.
- 2.6 The costs for the Core Strategy Partial Update are covered in a separate report to Cabinet.
- 2.7 The costs for the Joint Waste Plan and required evidence base are estimated to be in the region of £400,000 in total. These costs will be incurred for work that cannot be completed in house and other statutory costs such as Sustainability Appraisal, Flood Risk Assessment, Habitats Regulations Assessment, Heritage Impact Assessment, Equalities Impact Assessment, Transport/Infrastructure Study, site assessment work and plan drafting, Planning Inspectorate fees for independent examination. Accurate costs for each element are not known at present as they are dependent on the scope of work required, which will not be determined until preliminary work on the plan is completed and the number of candidate sites is known. These costs will be shared among the four authorities based on the population size of each authority. Rotherham's population is around 19% of the South Yorkshire total, resulting in a contribution of around £77,000. This contribution is expected to be required over the financial years from 2024/25 to 2026/27.

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 and Joint Waste Plan.

3.2 Option 2: Adopt a revised LDS omitting a Core Strategy Partial Update

There is still some uncertainty around the Government's planning reforms. While the Levelling Up and Regeneration Bill received Royal Assent on 26 October 2023, further consultation on the detailed implementation measures, secondary legislation and guidance will be required. Transitional arrangements are in place to allow for this implementation process. The Council could decide to pause the Core Strategy Partial Update until the new plan-making system is in place. However, the timetable in the revised LDS for the Core Strategy Partial Update allows for the Council to continue with the Plan under the current local plan system and submit the updated Core Strategy for examination before June 2025. This is the deadline for old-style plans, after this date plans must be prepared and submitted under the new system. For Rotherham, preparing a plan under the new system would entail a full review of the spatial strategy, housing target, development sites, policies and potentially green belt review to produce a single Local Plan. The new system also requires local plans to be completed in 30 months, which would require significantly more expenditure than the approach set out in the revised LDS.

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 or Joint Waste Plan. 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. As above under Option 2, if the Council did not submit its updated Core Strategy for examination by June 2025 it would have to prepare an entirely new single Local Plan under the new plan making system.

3.4 Option 1 is the recommended option. This would deliver a challenging but achievable programme for the Core Strategy Partial Update and Joint Waste Plan, 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 timetable set out in the revised Local Development Scheme has been informed by discussions with other Council service areas that are likely to contribute to the Core Strategy Partial Update. Similarly, discussions have taken place with the other South Yorkshire authorities on the Joint Waste Plan and the relevant portfolio holders at each authority have been briefed.

- 4.2 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 and Joint Waste Plan is programmed to take place.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Under the Council's Constitution, the development plan for Rotherham Borough is part of the policy framework. As such, the adoption of a revised LDS concerning the timetable for development plan documents should be considered by a meeting of the Council.
- 5.2 Subject to approval by Cabinet, the revised LDS at Appendix 1 would be recommended to Council for adoption at the next available meeting.
- 5.3 On adoption, the revised LDS would be published on the Council's website. Work would then progress on the Core Strategy Partial Update and Joint Waste Plan in line with the LDS.

6. Financial and Procurement Advice and Implications

- 6.1 The revised Local Development Scheme relies on the preparation of technical evidence and supporting documents, undertaking public consultation, and examination and adoption costs. Existing approved revenue budgets fund the team preparing the revised LDS.
- 6.2 Rotherham's share of the costs for the Joint Waste Plan are estimated to be £77,000. This contribution is expected to be required over the financial years from 2024/25 to 2026/27. These additional costs will need to be considered as part of the Council's decision making around budget setting in future years.
- 6.3 Where there is a requirement to engage third-party suppliers to support the work required this must be procured in compliance with the Public Contract Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules.

7. Legal Advice and Implications

- 7.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Local Planning (England) Regulations 2012 as amended require a Local Planning Authority to review, prepare and maintain a Local Development Scheme.
- 7.2 Without the adoption of the proposed Local Development Scheme there is a risk that without having up to date planning policy adopted by the Council, that future development within the borough could be subject to a third party challenge and the policy weight given to the existing Local Plan policies may be jeopardised.

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 2. A full equalities analysis is not required.

11. Implications for CO₂ Emissions and Climate Change

11.1 There are no direct implications on CO₂ emissions or climate change.

11.2 The Carbon Impact Assessment at Appendix 3 has been reviewed by the Climate Change Officer and Climate Champion.

12. Implications for Partners

12.1 The implications for partners or other directorates are mainly associated with awareness of the programme for undertaking the Core Strategy Partial Update and Joint Waste Plan. Briefings and joint working will be undertaken as appropriate.

13. Risks and Mitigation

13.1 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 differs 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”. An unsound plan cannot be adopted by the Council.

13.2 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 legislation. 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.

13.3 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 or technical work highlight the need for further work. Furthermore, the final cost of examination will be determined by the timetable established by the independent planning inspector, which is beyond the Council’s control.

13.4 The LDS includes a risk assessment setting out potential risks, their impact and likelihood, and mitigation measures.

14. Accountable Officers

Andrew Bramidge, Interim Strategic Director of Regeneration and Environment

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp OBE	24/06/2024
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	18/06/2024
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	18/06/2024

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