



## Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Marianne Hesketh, Corporate Director Communities	Councillor Peter Le Marinel, Planning Policy and Economic Development Portfolio Holder	19 October 2023

### Local Development Scheme

**Key decision:** Yes

#### 1. Purpose of report

- 1.1 To consider and recommend the content of the Local Development Scheme (LDS) that sets out the timetable proposed for preparation of the Local Plan.

#### 2. Corporate priorities

- 2.1 Complete a full review of the Wyre Local Plan by 2024.

#### 3. Recommendations

- 3.1 That the LDS (as set out in Appendix 1 to this report) be adopted by the council.
- 3.2 That powers be delegated to the Head of Planning and Regeneration in consultation with the Planning Policy and Economic Development Portfolio Holder to approve any update to the LDS.

#### 4. Background

- 4.1 The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies that, taken together, articulate its vision of sustainable development to be interpreted and applied locally. It contains a presumption in favour of sustainable development and strongly encourages local planning authorities to plan positively for new development.

- 4.2** A Local Plan is the principal mechanism through which a local planning authority sets out its planning policy framework for meeting its development and environmental protection objectives.
- 4.3** Local planning authorities are required to review their local plan every five years from the date of adoption. This ensures the borough has an up-to-date local policy framework against which planning decisions can be made.
- 4.4** The Local Development Scheme (LDS) sets out a timetable for the production of the local plan by the council. This is a requirement of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011.
- 4.5** The current LDS was published in April 2022. It set out the timetable for the then partial update and the full review of the local plan. The partial update of the Local Plan was adopted by the council in January 2023. Progress in preparing the full review (now referred to as the “emerging local plan”) has been made and it is pertinent to provide a revised up to date timetable, so that it is clear to local people, developers and landowners when the key stages of the local plan process will take place and when they have an opportunity to be involved in its production.
- 4.6** In May 2022, the Levelling Up and Regeneration Bill (“LURB”) was introduced to Parliament to put the foundations in place to deliver the Government’s wider programme to level up the country. As well as delivering against some of the ambitions set out in the Levelling Up White Paper published in February 2021, it also incorporates some of the proposals for planning reform outlined in the Planning for the Future White Paper published in August 2020, where they support the Government’s approach to Levelling Up.
- 4.7** The LURB acts on several fronts to create a robust framework for levelling up, including improving the planning process as part of a wider planning reform through new and revised regulations, policy and guidance. This proposes a radical overhaul of the planning system, which if implemented, will have significant implications for plan making. Most pertinent to the LDS, is the intention to have nationally set development management policies to streamline the local plan, allowing for a focused local plan that addresses strategy, site allocations and location specific issues. The LURB also proposes a 30 month local plan timetable with prescribed stages and consultations.
- 4.8** The LURB was expected to obtain Royal Assent in April 2023. It has been delayed and is now expected to obtain Royal Assent in autumn 2023. The draft revised National Planning Policy Framework (NPPF) and draft national development management policies (NDMP) were originally expected in summer 2023. This is also delayed and is now expected in 2024 after the LURB’s Royal Assent. The content of the draft revised NPPF and NDMP will have implications for the scope and content of the emerging local plan.

- 4.9** The government has proposed transitional arrangements for plan making. This sets out that for those local planning authorities preparing plans under the current plan making system, local plans submitted to government for examination by 30 June 2025 and adopted by 31 December 2026 will be examined under the then previous planning system. It is understood that the transitional dates are dependent upon Royal Assent of the LURB.
- 4.10** Contrary to the Government's objective of facilitating plan making, the short-term effect of the proposed planning reform has created uncertainty for local planning authorities and across the whole planning sector. For plan making at Wyre, this has caused delays to progressing the local plan in accordance with the current LDS as a result of only progressing core evidence where there is a lower risk of it being impacted by planning reform.
- 4.11** At a meeting of the Council on 7 July 2016, the Head of Planning and Regeneration in consultation with the Planning Policy and Economic Development Portfolio Holder obtained delegated authority to approve any amendments to the LDS. Owing to the delay to the emerging local plan caused by ongoing planning reform, it was considered appropriate for this LDS to be considered by the Portfolio Holder. Delegated powers for subsequent updates would still remain in line with the approved scheme of delegation.

## **5. Key issues and proposals**

- 5.1** The LDS establishes the timetable for preparing the emerging local plan. The local plan has been delayed owing to the uncertainty associated with ongoing planning reforms. The new LDS would see an approximately two year delay to the timetable set out within the current LDS. This would mean that the submission of the local plan for examination would most likely take place in June 2025 and be adopted in summer 2026. Although, the Publication Local Plan expected in spring 2025 would be a material consideration (albeit with reduced weight).
- 5.2** There are risks associated with this timetable that are out of the control of the council. These include an understanding of what the proposed planning reform, the revised NPPF and the introduction of NDMP will mean for Wyre, alongside the Government's timetable for providing that certainty, which has been subject to ongoing delays. To add to the uncertainty, a General Election must be held by January 2025, the outcome of which could also impact on the changes.
- 5.3** The preferred approach to progress with the local plan in accordance with the new LDS (appendix 1) includes mitigation. In that as far as possible, the local planning authority will progress evidence gathering where there is lower risk of being impacted by planning reform and through developing a flexible policy approach which remains relevant and can as far as possible, be responsive to planning reform.

- 5.4 The review of the LDS is necessary in order to reflect the latest local plan timetable and so that it is clear to local people, developers and landowners when the key stages of the local plan process will take place and when they have an opportunity to be involved in its production.
- 5.5 If approved, the LDS will have to be published and made available to the public on the website.

**6. Alternative options considered and rejected**

- 6.1 Owing to uncertainty associated with proposed planning reform, a temporary pause in progressing the local plan until further clarity is available had been considered. In consultation with the Planning Policy Working Group, this was not considered an appropriate response because this would leave the council at risk of not having an up to date Local Plan.

**7. Delegated functions**

- 7.1 The matters referred to in this report are considered under the following executive function delegated to the Planning Policy and Economic Development Portfolio Holder (as set out in Part 3 of the council’s constitution): “To consider matters relating to the Local Development Scheme, Supplementary Planning Documents and other planning guidance”.

The matters referred to in this report are considered under the following scheme of delegation (as set out in Part 7 of the council’s constitution): “To approve, in consultation with the relevant Portfolio Holder, any update to the Local Development Scheme”.

<b>Financial, Legal and Climate Change implications</b>	
Finance	There is a dedicated Planning Policy budget for preparing the Local Plan to the timetable set out in the LDS. The local plan budget for 2023/24 is £296,660 which includes slippage from 2022/23. A variable ongoing provision exists, profiled to reflect the year in which costs are expected to fall. The budget is intended to cover all costs associated with the local plan’s preparation and no additional budget is being sought. However, a budget re-profiling exercise will be undertaken if required.
Legal	The council is required to prepare an LDS in line with the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. The LDS completely supersedes the previous LDS. The Local Plan will be prepared in line with relevant legislation.
Climate Change	There will be a slight negative impact on climate change owing to the delay in the LDS. However this can be

	balanced by creating guidance to have ready to implement into the local plan.
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### Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
health and safety	x

risks/implications	✓ / x
asset management	x
ICT	x
data protection	x

### Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Fiona Riley	01253 887235	fiona.riley@wyre.gov.uk	29/09/2023

List of background papers:		
name of document	date	where available for inspection
None		

### List of appendices

Appendix 1: Wyre Local Development Scheme