

**Thursday, 8 July 2021**

**Report of the Portfolio Holder for Regulatory & Community Safety**

**Local Development Scheme and Local Plan Timetable**

**Exempt Information**

None.

**Purpose**

The purpose of this report is to seek Cabinet approval for the publication of the Tamworth Borough Council Local Development Scheme 2021 – 2024.

**Recommendations**

That Cabinet approve the publication of the Tamworth Borough Council Local Development Scheme 2021 – 2025.

**Executive Summary**

A Local Development Scheme (LDS) should set out the Council's programme for the preparation of Local Development Documents over a three-year period and should inform the public and other stakeholders about the likely dates for opportunities to get involved with the plan-making process.

The Planning and Compulsory Purchase Act 2004 (as amended) requires that the LDS be made available to the public and kept up-to-date. The current LDS was published in 2018 and set out a work programme up to the end of 2021. Whilst the timeline set out in LDS has not yet reached its conclusion, it does include for an annual review, and the timescales for individual projects have changed sufficiently that it is considered appropriate to publish an updated version.

Approval is therefore sought for the publication of the draft LDS in appendix A which sets out a timeframe for local plan development up to 2024.

**Options Considered**

The Council could decide not to publish an up to date LDS; however, for reasons set out under legal/risk implications below, that was not considered to be an appropriate option.

**Resource Implications**

The resource implications are outlined in the attached draft Tamworth Borough Council Local Development Scheme 2021 - 2024. In summary, the majority of the work programme will be delivered using existing resources within the service, however consultants will be required to be engaged on specific projects where there is a need for specialist skills or if there is a lack of capacity in-house.

There is a budget identified for the Local Development Framework of £50,000 for 2021/22 and £10,000 per year up to 2025/26. A policy change around the time of the publication of the previous LDS increased the Local Development Framework budget in anticipation of work starting on a new local plan. Due to that work being delayed,

the majority of that budget remains unspent and there is currently £211,969 held in a retained fund that can be used to supplement the existing budget.

The budget setting process for 2024/25 and beyond will need to include appropriate consideration of resources to deliver the revised work programme beyond the end of 2024 (that set out in the draft LDS) and may result in the need for a policy change.

### **Legal/Risk Implications Background**

Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires all local planning authorities to prepare and maintain a local development scheme and specifies what is to be included in it. Section 13(3A) states that if a local planning authority has not prepared a local development scheme, the Secretary of State may prepare one for the authority and direct the authority to bring that scheme into effect. Therefore, failure to maintain an up-to-date local development scheme could result in one being prepared by the Secretary of State on the Council's behalf.

### **Equalities Implications**

There are no direct equalities implications resulting from the proposals set out in this report. Any new local plan would be accompanied by an equalities impact assessment at each relevant stage that would ensure compliance with the Equality Act 2010 and the Council's own policies on diversity and equality.

### **Sustainability Implications**

The National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development and the need for sustainable economic growth on which local plans are to be based and includes clear policies that guide how the presumption should be applied locally.

The LDS document itself will have limited sustainability implications, however it does provide the framework for the delivery of local plan documents, the policies and proposals contained within which will impact on the three facets of sustainable development: economic, social and environmental.

Consideration will be given to the sustainability implications of each document required to be produced under the LDS and measures will be taken to minimise any potential conflicts and adverse impacts in order to achieve the most sustainable outcome for Tamworth.

### **Background Information**

A LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) and the Act requires that the document be made available to the public and kept up-to-date.

The LDS forms part of the Development Plan for Tamworth and should set out the Council's programme for the preparation of Local Development Documents over a minimum three-year period. The three-year programme should inform the public and other stakeholders about opportunities to get involved with the plan-making process and to let them know the likely dates for involvement.

The current LDS was published in 2018 and set out a work programme up to the end of 2021 that included the production of a new local plan for Tamworth. However a report was presented at the 19 March 2020 Cabinet meeting setting out the reasons why this ambitious timetable was not appropriate and instead seeking Cabinet's endorsement of the conclusions of a review of the existing Local Plan.

This review found that the production of a new local plan would be appropriate and it was acknowledged that a later report would be brought to Cabinet setting out a revised timetable for the development of that new local plan. It was intended that this new timetable would be presented to Cabinet later in 2020, however this was delayed for a number of reasons including the publication in late 2020 by Government of proposals for reforms to the plan making process. The Council responded to these proposals through the public consultation process however Government has yet to respond in full to the feedback received through that process.

The adopted local plan was 5 years old in February 2021 and, although local plans do not automatically become out of date after 5 years, the chances of it being considered out of date by an inspector increase after 5 years. It is therefore considered appropriate to progress a new plan now rather than wait for the outcome of the proposed changes to the system. The timetable included in the draft LDS at appendix A therefore proposes to start on the production of a new plan straight away.

Cabinet approval is sought for the publication of the draft LDS including the local plan timetable up to 2024. A future update of the LDS will provide a timetable for work beyond 2024.

### **Report Author**

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### **List of Background Papers**

19 March 2020 Cabinet report of the Portfolio Holder for Regulatory & Community Safety – Local Plan Review

Tamworth Borough Council Local Development Scheme 2018-2021

### **Appendices**

Appendix A – Draft Tamworth Borough Local Development Scheme 2021 - 2024