

Cheltenham Borough Council

Council – 26 February 2015

2015 Cheltenham Local Development Scheme

Accountable member	Councillor Jordan – Leader
Accountable officer	Tracey Crews – Head of Planning
Ward(s) affected	All
Significant decision	
Executive summary	<p>The Local Development Scheme (LDS) collects together the separate timetables for the preparation of statutory development plan documents (DPD) and presents them in one document.</p> <p>It represents Cheltenham Borough Council's commitment to the production of various planning documents that will make up the area's 'local plan'. The Development Plan Documents it identifies as under preparation are the Gloucester Cheltenham and Tewkesbury Joint Core Strategy and the emerging Cheltenham Plan.</p> <p>Changes to planning law and regulations since 2009 mean that this document does not need to be sent to the government for review, but an up to date LDS will assist with the Examination in Public of the Gloucester Cheltenham and Tewkesbury Joint Core Strategy which will start later in the year and will be useful to members of the public and wider stakeholders with an interest in the preparation and timescale of Cheltenham's development plan.</p>
Recommendations	<ol style="list-style-type: none">1. That the Council approves the 2015 Local Development Scheme attached at Appendix 2

<p>Financial implications</p>	<p>The approval of the LDS document itself does not have any direct financial implications for the authority, as it is simply an overview of the agreed timetable for the production of different Development Plan Documents. However each of these (the Joint Core Strategy and Cheltenham Plan) have separate financial implications, which are considered through their own programme management.</p> <p>The council has an annual base budget of £60k towards progressing the JCS. The JCS budget is monitored by the Cross Boundary Programme Board</p> <p>At its meeting on 13 February 2015 the Council made an allocation of £100k for 2015/16, to progress the development of the local plan, The Cheltenham Plan budget is monitored by the Head of Planning</p> <p>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123</p>
<p>Legal implications</p>	<p>Cheltenham Borough is required to have a Local Development Scheme in place which specifies which Development Plan Documents are being produced; the subject matter and geographical area they cover and the timetable for their production. This requirement is set out in the Planning and Compulsory Purchase Act 2004 Part 2 section 15(2) (as amended by the Planning Act 2008 section 180).</p> <p>The last Cheltenham LDS was adopted in 2009 and it is now out of date. The updated LDS (shown at Appendix 2) updates the timetable in the LDS to that contained in the submission Joint Core Strategy and provides a timetable for the emerging Cheltenham Plan, which over time will replace the existing Cheltenham Borough Local Plan (2006).</p> <p>The Act does not specify how often the Local Development Scheme is to be revised, but requires that it should be 'maintained'. An up to date Local Development Scheme is part of the requirements which inspectors look for as part of an Examination in Public, which is expected to commence shortly for the JCS.</p> <p>Given current provisions with the Constitution, the updating of the LDS is a matter for Council (rather than the Executive for which it would otherwise be a matter), which cannot be delegated down. Because the Local Development Scheme is a document which can quickly become dated due to changes in the timetables of Development Plan Documents, the requirement for the document to be approved through Council can delay the process of updating it.</p> <p>The Constitution is currently under review and whether amendments to the Constitution can and should be made to facilitate delegation of further updates to the LDS to Cabinet or the Leader will be included as part of this review.</p> <p>Contact officer: Cheryl Lester, Cheryl.lester@teWKesbury.gov.uk, 01684 272013</p>

HR implications (including learning and organisational development)	There are no staffing or Trade Union implications. Contact officer: Julie McCarthy, julie.mccarthy@cheltenham.gov.uk, 01242 777249
Key risks	Failure to produce the Local Development Scheme would be contrary to the requirements of the Act and could lead to a delay in the Examination in Public of the Joint Core Strategy or Cheltenham Plan. It would also mean that elected Members and the public would be less well informed as to the overall timetables for the production of Development Plan Documents.
Environmental/Social/Equality Implications	The Local Development Scheme is not subject to Sustainability Appraisal, but both the Joint Core Strategy and Cheltenham Plan referred to in it will be, and sustainability appraisal including habitats and equalities assessment are being progressed as according to their individual programme management timetables in the JCS and Cheltenham Plan Project Initiation Document.

1. Background

- 1.1 The Local Development Scheme (LDS) collects together the separate timetables for the preparation of statutory development plan documents (DPD) and presents them in one document with commentary.
- 1.2 It represents Cheltenham Borough Council's commitment to the production of various planning documents that will make up the council's development plan. The Development Plan Documents it identifies as 'under preparation' are the Gloucester Cheltenham and Tewkesbury Joint Core Strategy and the emerging Cheltenham Plan.
- 1.3 Changes to planning law and regulations since 2009 mean that this document does not need to be sent to the government for review, but an up to date LDS will assist with the Examination in Public of the Gloucester Cheltenham and Tewkesbury Joint Core Strategy which will start later this year.
- 1.4 All local authorities are under a statutory obligation to prepare a Local Development Scheme which specifies which Development Plan Documents are being produced; the subject matter and geographical area they cover and the timetable for their production. This requirement is set out in the Planning and Compulsory Purchase Act 2004 Part 2 section 15(2) (as amended by the Planning Act 2008 section 180)
- 1.5 The last Cheltenham LDS was adopted in 2009 and it is now out of date. The updated LDS (shown at Appendix 2) updates the timetable in the LDS to that contained in the submission Joint Core Strategy and provides a timetable for the emerging Cheltenham Plan as agreed by the Planning and Liaison Member Working Group, which over time will replace the existing Cheltenham Borough Local Plan (2006).

2. Reasons for recommendations

- 2.1 The Local Development Scheme does not contain significant new information for the Council, because the timetable for the Joint Core Strategy was included as part of the submission of the document to the Planning Inspectorate, and was published on the JCS website in November 2014. The Cheltenham Plan timetable has been considered as part of Planning and Liaison

Member Working Group's input into the Cheltenham Plan Project Initiation Document; but the two timetables are brought together for the first time in the 2015 Local Development Scheme. The updated document also links to relevant webpages which are updated more regularly on the progress of the documents.

2.2 Because the maintenance of the LDS is a statutory requirement, were the Council to fail to approve the LDS this may lead to a delay in the Examination in Public of the Joint Core Strategy or Cheltenham Plan if the inspector deemed it necessary to hold up the examination until the requirement is met. Failure to approve the LDS would also mean that elected Members and the public would be less well informed as to the overall timetables for the production of Development Plan Documents.

3. Alternative options Considered

3.1 Because the Local Development Scheme is a statutory requirement, there is no suitable alternative to its production.

4. Consultation and feedback

4.1 The Local Development Scheme functions as a maintained timetable of the Council's commitment to produce Development Plan Documents. As a statutory document its production and contents are set out in the Act and Regulations, and these do not specify wider consultation. However the development plan documents described within it are subject to detailed consultation requirements.

5. Performance management – monitoring and review

5.1 Performance against the LDS's milestones is monitored through the Authority Monitoring Report which is prepared annually and made available via the council's website.

5.2 The LDS will be revised if there is a major change to the preparation of Development Plan Documents set out in Appendix 2, prior to submission of a Development Plan Document for examination, or after three years, whichever is the soonest. The timetable for the JCS is out of the control of the local authorities since its submission for examination to the Secretary of State. The timetable is now responsive to processes and actions put in place by the Planning Inspectorate. The project initiation document for the Cheltenham Plan is a live document and where necessary will be updated, the timetable for the preparation of the Cheltenham Plan is part of this document.

Report author	Contact officer: Philip Stephenson Planning Policy Team Leader philip.stephenson@cheltenham.gov.uk, 01242 264379
Appendices	1. Risk Assessment 2. Local Development Scheme 2015
Background information	All background information regarding the JCS website at www.gct-ics.org

Risk Assessment

Appendix 1

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	There are no equality impact risks related to the document										
	There are no environmental risks related to the document										
	There is a minor legal risk that if the LDS is not agreed by Council then there could be a delay to the production and examination of development plan documents	Tracey Crews	21.1.15	2	2	2	Accept	None	N/A	Tracey Crews	N/A

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close