

Cheltenham Borough Council

Cabinet – 10th October 2017

2017 Cheltenham Local Development Scheme

Accountable member	Councillor Jordan – Leader
Accountable officer	Philip Stephenson – Development Manager Strategy
Ward(s) affected	All
Executive summary	<p>The Cheltenham Borough Local Development Scheme (LDS) outlines the timetable for preparing statutory development plan documents in the Borough. The published version (adopted by the Council in February 2015) requires revision as the timetable is now out of date following an extended examination of the Joint Core Strategy and to incorporate the latest timescales for the Cheltenham Plan. Due to changes in the Council's constitution since the last version in 2015, the decision to adopt an amended LDS can now be made by Cabinet rather than full Council.</p>
Recommendations	<p>That it be RESOLVED:</p> <ol style="list-style-type: none">1. That the updated Local Development Scheme for Cheltenham Borough, attached to the report at Appendix 2, be ADOPTED and take effect immediately.

Financial implications	<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 JCS budget is monitored by Cross Boundary Programme Board</p> <p>The Cheltenham Plan budget is monitored by the Head of Planning</p> <p>Contact officer: paul.jones@cheltenham.gcsx.gov.uk 01242 775 154</p>
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Legal implications	<p>The preparation and maintaining of a Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004. This must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area and the timetable for the preparation and revision of those documents. The Local Plan, together with Neighbourhood Plans making the Development Plan for the Borough.</p> <p>Contact officer: Cheryl.lester@teWKesbury.gov.uk, 01684 272013</p>
HR implications (including learning and organisational development)	<p>There are no staffing or Trade Union implications.</p> <p>Contact officer: julie.mccarthy@cheltenham.gov.uk, 01242 264355</p>
Key risks	<p>Failure to produce the Local Development Scheme would be contrary to the requirements of the Act and could cause delay in the Examination in Public/progression of the Joint Core Strategy or Cheltenham Plan, as such development plan documents when examined need to be prepared in accordance with the Local Development Scheme. It would also mean that elected members and the public would be less well informed as to the overall timetable for the production of Development Plan Documents.</p>
Environmental/Social/Equality Implications	<p>The Local Development Scheme is not subject to Sustainability Appraisal, but both the Joint Core Strategy and Cheltenham Plan referred to in it are, 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.</p>
Property Implications	<p>There are no property implications arising from the LDS itself, although both the JCS and Cheltenham Plan contain sites which are partly or completely within the Borough's ownership. Decisions on those documents will require consideration by the property service.</p> <p>David.Roberts@cheltenham.gov.uk, 01242 264151</p>

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 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.
- 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 be sent to the Planning Inspectorate who require it as part of the examination process.
- 1.4 All local authorities are under a statutory obligation to prepare and maintain 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).

- 1.5 The last Cheltenham LDS was adopted in 2015 and it is now out of date. The updated LDS (shown at Appendix 2) updates the timetable in the LDS for the Joint Core Strategy and provides a timetable for the emerging Cheltenham Plan as agreed by the Planning and Liaison Member Working Group

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 has been discussed both through meetings with Planning Liaison Member Working Group, JCS Member Steering Group and regular updates in Member Briefing. Updates on the timetable have also been given through the JCS website.

The estimated timetable for the JCS to adoption is

- **Inspector's Final Report – Autumn 2017**
- **Adoption – late 2017/ early 2018**

The estimated timetable for the Cheltenham Plan to adoption is:

- **Pre-Submission Consultation – Late 2017**
- **Submission to Secretary of State – Early 2018**
- **Examination in Public – Mid 2018**
- **Adoption – Late 2018**

- 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 ability of the Council to adopt 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.

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Appendices	1. Risk Assessment 2. Local Development Scheme 2017
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 first 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