



OPEN REPORT COMMUNITY AND ENVIRONMENT COMMITTEE

Community and Environment Committee – 7 December 2023

Derbyshire Dales Local Development Scheme 2023-2026

Report of Director of Regeneration and Policy

Report Author and Contact Details

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Wards Affected

All Wards Outside the Peak District National Park

Report Summary

This report seeks approval of a revised Local Development Scheme (LDS) for the period covering 2023-2026 to be published on the Council's website.

Recommendations

1. That the Derbyshire Dales Local Development Scheme 2023-2026 as set out in Appendix 1 to this report be approved and brought into immediate effect.
2. That the approved Local Development Scheme be published on the District Council's website as soon as practically possible.

List of Appendices

Appendix 1 Derbyshire Dales Local Development Scheme 2023-2026

Background Papers

[Adopted Derbyshire Dales Local Plan](#) (December 2017)

[National Planning Policy Framework](#) (July 2021)

[Planning Practice Guidance](#) (June 2021)

[Report to Local Plan Sub Committee – Derbyshire Dales Local Development Scheme 2023-2026](#) (27th September 2023)

[Report to Local Plan Sub Committee – Derbyshire Dales Local Plan Review](#) (3rd July 2023)

[Report to Community and Environment Committee – Derbyshire Dales Local Development Scheme 2022-2025](#) (1st November 2022)

[Derbyshire Dales Local Development Scheme 2022-2025](#) (November 2022)

Consideration of report by Council or other committee

This report seeks to update the Local Development Scheme to reflect the updated timetable for the review of the Derbyshire Dales Local Plan. The revised Local Development Scheme was approved by the Local Plan Sub Committee on 27th

September 2023 and is reported to Community and Environment Committee for approval.

Council Approval Required

No

Exempt from Press or Public

No

Derbyshire Dales Local Development Scheme 2023-2026

1. Background

- 1.1 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by Section 111 of the Localism Act) requires that local planning authorities prepare a Local Development Scheme (LDS), which sets out the Council's programme for the preparation and adoption of Local Development Documents over a three year period.
- 1.2 The National Planning Policy Framework (NPPF) requires that the planning system should be plan led, with an up-to-date plan providing a positive vision for the future of the area that sets out a framework for addressing housing needs, economic, social and environmental priorities. The National Planning Practice Guidance (NPPG) states that local planning authorities must keep communities informed of plan making activity, by publicising and keeping up to date their timetable for producing their Local Plan in a Local Development Scheme (LDS). The LDS should be published on the authority's web site.
- 1.3 Following changes in legislation there is no longer a requirement for local planning authorities to specify the timetables for producing other planning documents such as Supplementary Planning Documents (SPD's) and the Statement of Community Involvement (SCI) in the LDS. However, where being prepared, details of these documents, and their timetable for preparation should be set out on the Council's website. Local Planning Authorities are however encouraged to include within their Local Development Scheme, details of other documents which form (or will form) part of the development plan for the area such as Neighbourhood Plans.

2. Key Issues

- 2.1 The Derbyshire Dales Local Plan was adopted on 7 December 2017 and the most recent Local Development Scheme was brought into effect in November 2022 and covers the period 2022-2025¹.
- 2.2 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review and assess whether local plans need updating at least every five years from their adoption date to ensure that policies remain relevant and effectively address the need of the local community.
- 2.3 In accordance with the National Planning Policy Framework Local Plan reviews should be completed no later than five years from the adoption date of the Plan and should take into account changing circumstances affecting the area, and/or any relevant changes in national policy. Members will recall that a report was presented to a meeting of the Local Plan Sub Committee on 3rd July 2023 (Minute 37/23), which set out the work that has been undertaken on the Local Plan Review, proposals for future work to finalise the Local Plan Review and an indication of timescale to complete the review and adoption of the Local Plan.

¹ <https://www.derbyshiredales.gov.uk/planning/planning-policy-and-local-plan/local-development-scheme>

- 2.4 At the recent meeting of Local Plan Sub Committee on 27th September 2023 (Minute 134/23) Members considered three potential options for consultation and taking forward the Local Plan. Each option has different consequences for the timetable and adoption of the Derbyshire Dales Local Plan. The three options considered were:

OPTION 1 - Local Plan preparation to meet statutory requirements only

This option would entail completion of the local plan evidence base and move to the statutory stages of plan preparation and consultation at Regulation 18 (Preparation of the Local Plan) in Autumn 2025 and Regulation 19 (Publication of the Local Plan) in Spring 2025 prior to submission to the Secretary of State for examination in June 2025.

This would see consultation on the preferred approach (Draft Plan) at Regulation 18 stage, not allowing for any prior consultation with communities or stakeholders on key issues for the plan to address, to inform the preparation of the preferred approach. This option would see the Plan submitted for examination in June 2025.

OPTION 2 – Local Plan preparation to include focussed housing ‘issues and options’ consultation on evidence base prior to statutory stages

This option would entail completion of the ‘housing’ evidence base elements of the Local Plan and a targeted ‘issues and options’ style consultation. This would include options to meet the housing requirement for the plan area, such as the housing target, evidence on site availability, distribution strategy and settlement hierarchy. Consultation would be carried out in spring 2024, following which the wider evidence base would be finalised and the statutory stages of consultation at Regulation 18 (Preparation of the Local Plan) and 19 (Publication of the Local Plan) would be undertaken. This option would see the Plan submitted for examination in June 2025.

OPTION 3 – Local Plan preparation to include broad ‘issues and options’ consultation on all evidence base prior to statutory stages

This option would see significant engagement and consultation with communities and consultees to assist with plan preparation. Issues and Options consultation would be undertaken once significant amounts of the evidence base refresh have been completed covering the entire scope of the Local Plan rather than focusing on the housing elements of the strategy identified in Option 2 above. Introducing further rounds of consultation would require additional resources and waiting for the completion of the evidence base would not see consultation undertaken until summer 2024 at the earliest, with further preparation and consultation undertaken thereafter. This would result in a longer plan preparation period and not allow the deadline to submit the local plan for examination required by the transitional arrangements set out in the recent Plan Making Reforms proposed by DLUHC to be met, leaving the authority open to challenge and without a sound local plan in place to guide decisions on growth and development.

- 2.5 In considering which of the options are appropriate Members of Local Plan Sub Committee were made aware of the DLUHC proposals and recent

consultation on Plan Making Reforms², which sets out proposals to make local plans simpler, faster to prepare and more accessible and to ensure that they are positively shaped by the views of communities about how their area should evolve. The consultation on Plan Making Reforms sets out a series of transitional arrangements to ensure that effective planning continues. The Government's proposals set out:

- Plan makers have until 30th June 2025 to submit plans under the existing legal framework and;
- Plan makers will have until 31 December 2026 for their plans to be adopted, with all independent examinations also having been completed by this point.
- Authorities that do not meet the 30 June 2025 submission deadline for old style plans will need to prepare plans under the new system.

- 2.6 Members of the Local Plan Sub Committee were advised that the transitional arrangements set out above would apply to the preparation of the Derbyshire Dales Local Plan. In considering the most appropriate approach Members of Local Plan Sub Committee were of the view that the deadline for submission of the Local Plan to the Secretary of State by 30th June 2025 was reasonable and achievable.
- 2.7 The transitional arrangements would mean that the revised Plan would be examined under the current system. This will necessitate having to engage in the Duty to Co-operate and satisfy the Test of Soundness. However, having to address such requirements must be balanced against the fact for Derbyshire Dales delaying the adoption of a new Local Plan which will expose the local planning authority to further risk of speculative development in unfavoured locations.
- 2.8 Taking all matters into consideration Members of Local Plan Sub Committee considered that *OPTION 2 - Local Plan preparation to include focussed housing 'issues and options' consultation on evidence base prior to statutory stages* as outlined above, represented the most appropriate approach for preparation of the Derbyshire Dales Local Plan. This approach recognises and balances the desire to undertake early and constructive public consultation on the key housing and spatial strategy issues for the Local Plan alongside the requirement to advance plan preparation and meet the deadline to submit the Plan for examination to the Secretary of State by the 30th June 2025 deadline.
- 2.9 Accordingly, on this basis a revised Local Development Scheme has been prepared to cover the period 2023-2026, and is set out in **Appendix 1**.
- 2.10 The revised Local Development Scheme provides details of the next stages of Local Plan preparation to allow interested parties to keep track of progress and reflect the requirements of the regulations. The Local Development Scheme also sets out the resources required to take the Plan forward and the risks associated with its preparation. The key milestones which form the basis of the

² <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation>

timetable for the preparation of the revised Derbyshire Dales Local Plan within the Local Development Scheme 2023-2026 are set out below:

Housing Issues and Options Consultation	March 2024
Draft Modifications	September 2024
Draft Submission Modifications	February 2025
Submit Modifications to Secretary of State	June 2025
Examination in Public (End)	November 2025
Adoption of Modifications	March 2026

3. Options Considered and Recommended Proposal

- 3.1 It is a legal requirement to prepare and keep up to date a Local Development Scheme which sets out a publicly available timetable for the preparation/review of a Local Plan. This report seeks approval for an updated timetable for the review, preparation and adoption of the Local Plan. Three options have been considered for the consultation and preparation of the Local Plan. Taking all matters into consideration, as outlined in the report it is recommended that Option 2, as presented represents the most appropriate approach for taking forward the Local Plan.
- 3.2 Members are recommended to approve the Derbyshire Dales Local Development Scheme, as set out in Appendix 1 and for the Local Development Scheme to be published on the District Council's website as soon as practically possible.

4. Consultation

- 4.1 None required for the Local Development Scheme. Public consultation will, however, be an integral part of the completion of the review of the Derbyshire Dales Local Plan.

5. Timetable for Implementation

- 5.1 It is recommended that the Derbyshire Dales LDS be brought into immediate effect once approved by this Committee.

6. Policy Implications

- 6.1 None – this is a technical document which has no policy implications for the District Council.

7. Financial and Resource Implications

- 7.1 The Derbyshire Dales Local Development Scheme has no direct financial and resource implications for the District Council. The Local Development Scheme enables the District Council to plan the resources and timetable for the Local Plan. This in turn could potentially have financial and resource implication and would be taken into account when preparing the Medium Term Financial Strategy.

8. Legal Advice and Implications

- 8.1 This report seeks approval of a revised Local Development Scheme (LDS) for the period covering 2023-2026 to be published on the Council's website
- 8.2 The proposals accord with the provisions of the relevant legislation
- 8.3 There is one recommended decision to be taken in connection with this report and the legal risk associated with the decision as recommended has been assessed as low.

9. Equalities Implications

- 9.1 The Derbyshire Dales LDS has no direct equalities implications. The review of the Derbyshire Dales Local Plan will be subject to a comprehensive Equalities Impact Assessment.

10. Climate Change Implications

- 10.1 The Derbyshire Dales LDS has no direct climate change implications. The review of the Derbyshire Dales Local Plan will include revised policies which will seek to mitigate the effects Climate Change and be subject to a Climate Change Impact Assessment.

11. Risk Management

- 11.1 At this time the risk associated with the preparation of the Derbyshire Dales LDS is low. The Derbyshire Dales Local Plan is one of the pivotal plans and strategies ensuring the delivery of the District Council's aims and objectives as set out in its Corporate Plan. Any significant delays in undertaking the review of the Derbyshire Dales Local Plan will increase the risk to the District Council of delivering its key aims and objectives.

Report Authorisation

Approvals obtained from: -

	Named Officer	Date
Chief Executive	Paul Wilson	29/11/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Gemma Hadfield	23/11/2023
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	29/11/2023

