



## CABINET REPORT

<b>Report Title</b>	<b>FURTHER UPDATES TO THE LOCAL DEVELOPMENT SCHEME</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	14 <sup>th</sup> October 2020
<b>Key Decision:</b>	YES
<b>Within Policy:</b>	YES
<b>Policy Document:</b>	YES
<b>Service Area:</b>	Planning
<b>Accountable Cabinet Member:</b>	Councillor James Hill
<b>Ward(s)</b>	All

### **1. Purpose**

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- 1.1 The purpose of this report is to present further updates to the Local Development Scheme to Cabinet for consideration.

### **2. Recommendations**

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- 2.1 It is recommended that Cabinet approves the new Northampton Borough Local Development Scheme and brings it into immediate effect.

### **3. Issues and Choices**

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#### **3.1 Report Background**

3.1.1 The Local Development Scheme (LDS) is a rolling business plan for the preparation of key planning policy documents that will be relevant to future planning decisions. It outlines the programme and resources for completion and adoption of each relevant planning document. It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended by Section 111 of the Localism Act 2011) that the Council prepares and maintains an LDS.

3.1.2 The LDS must specify:

- The local development documents which are to be development plan documents;
- The subject matter and geographical area to which each development plan document is to relate;
- Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
- Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee;
- The timetable for the preparation and revision of the development plan documents; and
- Such other matters as are prescribed.

3.1.3 Development Plan Documents (including, for Northampton, the Local Plan Part 2) must be prepared in accordance with the LDS.

3.1.4 Members will recall that the current version of the LDS came into force in June 2020.

#### **3.2 Issues**

3.2.1 Local plans are subject to an examination in public (EiP) by an independent inspector appointed by the Secretary of State. The purpose of the EiP is to examine whether or not the local plan has been prepared in accordance with legal and procedural requirements and whether it is sound. One of the key tests of soundness (as set out in paragraph 35 of the National Planning Policy Framework) is that the Inspector has to consider its consistency with national policy, which includes whether the Local Plan has been prepared in accordance with the LDS. Failure to maintain the LDS could result in the Local Plan Part 2 failing this test and not proceeding to adoption. Failure to prepare a Local Plan as set out in the LDS could also place the Council at risk of a High Court challenge.

- 3.2.2 At the time of preparation of the May 2020 edition of the LDS, it was expected that the Round 2 consultation on the Local Plan Part 2 Proposed Submission would have been completed during August 2020. In practice, it was agreed that this consultation period be extended by two weeks to allow time for organisations to sign off their responses during the holiday period.
- 3.2.3 Members will also be aware that, with effect from 1<sup>st</sup> September 2020, significant changes have been made to the Town and Country Planning (Use Classes) Order 1987. These changes have the effect of merging certain previously separate types of use such as shops, cafes, offices, light industrial premises and gymnasiums into one new Use Class E. A consequence of this is that there is no longer a requirement for planning permission to change the use of premises between those uses. This has an impact on the wording of certain policies in the emerging Local Plan and time is needed to consider what these impacts might be and how they can be addressed.
- 3.2.4 Accordingly, it is envisaged that the submission version of the Local Plan Part 2 will be considered at the 16<sup>th</sup> December meeting of Cabinet. If Cabinet endorses the Plan, this will then be reported to Full Council in January for their agreement to submit the Plan to the Secretary of State for Housing, Communities and Local Government.
- 3.2.5 The updated Northampton LDS covering the period to the end of 2021 has been prepared and is attached as Appendix A to this report.
- 3.2.6 Subject to Cabinet's approval, the updated LDS will be brought into effect from the date of this meeting.

### **3.3 Choices (Options)**

#### **Option 1: Agree to the recommendation**

- 3.3.1 If Cabinet agree to the updated Local Development Scheme and to its coming into effect immediately, the Council will be in a position to submit the Local Plan Part 2 to the Secretary of State for Housing, Communities and Local Government in conformity with an up-to-date Local Development Scheme.

#### **Option 2: Do not agree to the recommendation**

- 3.3.2 Cabinet could defer or decide not to update the LDS. If the Local Plan Part 2 were submitted to the Secretary of State for Housing, Communities and Local Government without an up-to-date LDS being in place, the Council would run the risk that, at examination-in-public, the plan would be found unsound because it would not be legally compliant.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 Having an up-to-date Local Development Scheme in place will facilitate the delivery of the Northampton Local Plan Part 2. The Local Plan Part 2 will

review and update the Local Plan Saved Policies and the Central Area Action Plan. An up-to-date plan will provide greater certainty and allow policies at the local level to address local issues and be fully compliant with up-to-date requirements. Planning applications will be determined in accordance with the development plan, including the Local Plan Part 2, unless material considerations indicate otherwise.

## **4.2 Resources and Risk**

4.2.1 Production of the Local Development Scheme itself has no direct resource implications. Clearly, the project of producing the Local Plan Part 2 has financial implications. Sufficient resources are available for those activities scheduled in the LDS to take place in the remainder of this financial year.

## **4.3 Legal**

4.3.1 The Local Plan is a statutory document and has to be prepared in accordance with the Planning and Compulsory Purchase Act 2004, as amended; the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended; the Environmental Assessment of Plans and Programmes Regulations 2004; and the Conservation of Habitats and Species Regulations 2010.

4.3.2 It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended by Section 111 of the Localism Act 2011) that the Council prepares and maintains an LDS. One of the tests at Public Examination is a legal compliance test which includes whether the Local Plan has been prepared in accordance with the LDS. Failure to maintain the LDS could result in the Local Plan Part 2 failing the legal compliance test and not proceeding to adoption. Failure to prepare a Local Plan as set out in the LDS could also place the Council at risk of High Court Challenge. In addition, under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Housing and Planning Act 2016) the Secretary of State now has the power to prepare an LDS and direct that a local planning authority bring that LDS into effect.

## **4.4 Equality and Health**

4.4.1 Because it is a plan setting out the timetable for production of the Local Plan Part 2, the Local Development Scheme does not, of itself, have any direct impacts on equalities. The Local Plan Part 2 will be subject to an Equality Impact Assessment.

## **4.5 Consultees (Internal and External)**

4.5.1 Corporate Management Board and Executive Programme Board have been advised of the production of the updated Local Development Scheme and its significance to the soundness of the Local Plan Part 2.

## **4.6 How the Proposals deliver Priority Outcomes**

4.6.1 By facilitating the production of the Local Plan Part 2, the Local Development Scheme will help to guide all development across Northampton, achieving economic, social and environmental benefits. In terms of the priorities set out in the Council's Corporate Plan, the LDS, by facilitating the production of the Local Plan Part 2, will help to deliver a stronger economy by:

- Having a Local Plan that helps Northampton to grow and prosper
- Containing policies to address the strategy for town centre, provision of charging points for electric vehicles, securing quality development that makes a positive contribution to local character and distinctiveness

4.6.2 It will also help to deliver resilient communities by:

- Facilitating the delivery of new and better homes, including affordable homes

## **4.7 Environmental Implications (including climate change issues)**

4.7.1 The LDS does not have any direct environmental implications. However, it facilitates progress on the Local Plan Part 2 which addresses a number of environmental issues, including climate change.

## **4.8 Other Implications**

4.8.1 There are no other implications arising directly from the updating of the Local Development Scheme.

## **5. Background Papers**

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5.1 Northampton Local Development Scheme, May 2020, Northampton Borough Council <https://www.northampton.gov.uk/downloads/file/8482/northampton-local-development-scheme-february-2017>

National Planning Policy Framework, February 2019, Ministry of Housing, Communities and Local Government  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

### **Appendix A – Northampton Local Development Scheme (October 2020)**

## **6. Next Steps**

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6.1 Having the updated Local Development Scheme in place will enable the Council to progress to submission of the Northampton Local Plan Part 2 to the Secretary of State for Housing, Communities and Local Government.

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