

Report To:	CABINET	Date:	20th SEPTEMBER 2021
Heading:	ASHFIELD LOCAL DEVELOPMENT SCHEME (2021)		
Portfolio Holder:	CLLR MATTHEW RELF, PORTFOLIO HOLDER FOR REGENERATION AND PLANNING		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

To present and approve the new Ashfield Local Development Scheme (2021) (Appendix 1) which sets out the Council's programme for the production of the Ashfield Local Plan (2020 – 2038).

Recommendation(s)

That Cabinet approve the Ashfield Local Development Scheme (2021), as set out in Appendix 1 to come into effect on the 1st October 2021.

Reasons for Recommendation(s)

To adhere to the legal requirement to maintain an up-to-date Local Development Scheme under the Planning and Compulsory Purchase Act 2004.

Alternative Options Considered

There is no alternative option as legislation requires the Council (as the local planning authority) to revise the Local Development Scheme at such time as they consider appropriate.

Detailed Information

The Council is required to produce a Local Development Scheme (LDS) that provides a programme for the production of the planning policy document (development plan document) that forms the Ashfield Local Plan. The Planning and Compulsory Purchase Act 2004 (P&CP Act) sets out that the Council as the local planning authority must revise the LDS at such time as they consider appropriate. It is a legal requirement to have an up-to-date LDS, as this is one of the tests of legal compliance at the examination of a Local Plan.

The new LDS is set out in Appendix 1 to this report. It identifies, subject to approval from Cabinet on the 20th September 2021, that public consultation on the Local Plan (see separate report on this agenda) will take place during October and November of this year. Following that, it sets out that a further period of consultation (Regulation 19) will commence in March / April 2022 with a view to submitting the plan to the Planning Inspectorate and Secretary of State in August 2022. Once submitted, the timetable becomes somewhat more uncertain due to the availability or otherwise of the Planning Inspectorate to undertake the Examination in Public however, it is anticipated that the Local Plan could be adopted in June 2023.

Implications

Corporate Plan:

The LDS identifies the programme for the production of planning policy documents forming the Ashfield Local Plan, which is a key priority within the Corporate Plan.

Legal:

Local Planning Authorities are required under the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011, to prepare and maintain a Local Development Scheme (LDS) which is updated when considered appropriate. The Planning and Compulsory Purchase Act 2004, Section 15(7) states that *“To bring the scheme into effect, the local planning authority must resolve that the scheme is to have effect and, in the resolution, specify the date from which the scheme is to have effect.”* (Section 15 [7]).

Finance:

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
Legislation requires that an LDS is produced to set out the timetable for the production of the Local Plan. An out-of-date LDS risks the soundness of the Plan at the Examination in Public stage as it is one of the tests of legal compliance.	Production of an up-to-date LDS as set out in Appendix 1 of this report.

Human Resources:

There are no Human Resources issues associated with this report.

Environmental/Sustainability

There are no environmental / sustainability implications for the LDS. A Sustainability Appraisal has been produced for the Local Plan.

Equalities:

There are no equalities implications for the LDS, an equalities impact assessment will be produced for the Local Plan.

Other Implications:

None

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

Appendix 1 of this report sets out the new LDS.

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