

Report To:	CABINET
Date:	17 FEBRUARY 2025
Heading:	ASHFIELD LOCAL DEVELOPMENT SCHEME
Executive Lead Member:	COUNCILLOR MATTHEW RELF, EXECUTIVE LEAD MEMBER FOR GROWTH, REGENERATION AND LOCAL PLANNING
Ward/s:	ALL WARDS
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To present and approve the revised Ashfield Local Development Scheme (Appendix 1) which sets out the Council's programme for the production of the Ashfield Local Plan (2023 – 2040).

Recommendation(s)

Recommended to Cabinet that it resolves that the Revised Ashfield Local Development Scheme, as set out at Appendix 1, comes into effect on the 17th of February 2025.

Reasons for Recommendation(s)

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

At the Local Plan Development meeting on 5th February 2025, the Local Plan Development Committee recommended to Cabinet that it resolves that the Revised Ashfield Local Development Scheme, as set out at Appendix 1, comes into effect on the 17th of February 2025.

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 planning policy documents (development plan documents) that form the Ashfield Local Plan. It is a procedural document which sets out how the Council is going to plan for development in its area and provides information to help ensure that local communities, businesses, developers, service and infrastructure providers can keep track of progress on the Local Plan. For the Council, it provides a basis for project and budget management of the Local Plan.

From a legal perspective the Planning and Compulsory Purchase Act 2004 (P&CP Act) requires that:

- Local planning authorities produce and publish an LDS.
- The Local Plan is prepared in accordance with the published LDS. It is a requirement to have an up-to-date LDS, and this is one of the tests of legal compliance at the examination of a Local Plan.
- Local Plan progress against the LDS timetable is monitored and published in annual monitoring reports.
- If the LDS is updated, a copy of any amendments made to the scheme are available to the public.

The existing LDS was approved in 2023. The Council submitted its Local Plan and supporting documents to the Secretary of State for Levelling Up, Housing and Communities for independent examination on Monday 29 April 2024. The Secretary of State has appointed Planning Inspectors, Mr Philip Mileham BA (Hons) MA MRTPI and Mr Graham Wyatt BA (Hons) MRTPI, to conduct an independent examination into the soundness and legal compliance of the Plan.

Week 1, covering Matters 1 to 3, of the Local Plan Public Examination Hearings commenced on the 12th of November 2024 and came to a close on 14 November 2024. A post hearing letter outlining the way forward from the Inspectors was received by the Council on 6 January 2025. The letter asked the Council to undertake further work before hearings may continue for Matters 4 to 12. The hearings have been postponed until further notice.

The decision by the Inspectors to pause the local plan hearings has therefore resulted in the requirement for the Council to update the timetable in the Local Development Scheme and extend the timescale to adoption of the Local Plan. The Council is also required to send the updated Local Development Scheme to the Ministry of Housing, Communities and Local Government by 12th March 2025.

The LDS has been updated and is set out in Appendix 1 to the Report. It is proposed that Cabinet is recommended to resolve that the Revised Ashfield Local Development Scheme, as set out at Appendix 1, comes into effect on the 17th of February 2025.

Implications

Corporate Plan: Planning, and the Local Plan has a cross-cutting role to play in helping to meet and deliver the priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, and improving parks and green spaces.

Legal: Local Planning Authorities are required under the Planning and Compulsory Purchase Act 2004, to prepare and maintain a Local Development Scheme (LDS) which is updated when considered appropriate. Section 15(7) of the Act 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.’* [RLD 22/01/2025]

Finance: There are no direct financial implications arising as a result of this report.

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 be produced to set out the timetable for the production of the Local Plan. The Examination in Public will consider legal compliance which includes having an up-to-date LDS.	Approval of an up-to-date LDS as set out in Appendix 1 of this report.

Human Resources: There are no direct HR implications contained within this report [KB 22/01/2025]

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 has been produced for the Local Plan.

Other Implications:

None

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

None

Report Author and Contact Officer

Melanie Wheelwright
Forward Planning & Economic Growth Team Manager
melanie.wheelwright@ashfield.gov.uk
01623 457379

Christine Sarris
Assistant Director Planning
01623 457375
christine.sarris@ashfield.gov.uk

Sponsoring Executive Director

John Bennett
Executive Director – Place
01623 457230
John.Bennett@ashfield.gov.uk