

CABINET	AGENDA ITEM No. 12
10 July 2017	PUBLIC REPORT

Report of:	Simon Machen - Corporate Director of Growth and Regeneration	
Cabinet Member(s) responsible:	Cllr Peter Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
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PETERBOROUGH LOCAL DEVELOPMENT SCHEME (LDS)

R E C O M M E N D A T I O N S	
FROM: Corporate Director of Growth and Regeneration	Deadline date: <i>Not Applicable</i>
<p>It is recommended that Cabinet</p> <ol style="list-style-type: none"> 1. Approve commencement of a review of the Cambridgeshire and Peterborough Minerals and Waste Local Plan for Peterborough, working jointly with Cambridgeshire County Council; and 2. Approves the attached Local Development Scheme (LDS), which sets out a timetable for the production of the Peterborough Local Plan and a Minerals and Waste Local Plan, to come into effect on 14 July 2017. 	

1. ORIGIN OF REPORT

- 1.1 Cabinet agreed commencement of a new Local Plan on 20 July 2015. In respect of the Minerals and Waste Local Plan, officers are recommending commencement of a review, for reasons set out in this report.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to enable Cabinet to consider whether or not to commence a new Minerals and Waste Local Plan for Peterborough. Also, Cabinet is asked to support a revised timetable for preparing the already commenced Peterborough Local Plan.
- 2.2 If Cabinet agree to one or both of the above, then a revised Local Development Scheme (LDS) needs approving, and this is recommended to Cabinet as part of this item.
- 2.3 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, "To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services."

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. **BACKGROUND AND KEY ISSUES**

- 4.1 The purpose of a Local Development Scheme (LDS) is to inform the public and stakeholders of the council's timetable to produce Development Plan Documents (often referred to as 'Local Plans') that form part of the statutory development plan for the area. The LDS provides information for the local community about the planning documents that apply in Peterborough at any one time i.e. it explains what the current and proposed documents are which collectively form the development plan for the area. The LDS is also a programme or timetable for the preparation of Development Plan Documents over the next three years.
- 4.2 To be absolutely clear, the LDS is a statutorily required 'programme management' document, and does not contain any council policy.
- 4.3 In July 2015 Cabinet approved a LDS, which confirmed commencement of a new Local Plan. The LDS was slightly updated in July 2016. Cabinet will be aware that Local Plan is mid-way through its preparation, and the timetable for its preparation needs slightly amending again, via a further update of the LDS.
- 4.4 However, neither the 2015 or 2016 LDS made reference to a possible review of the Minerals and Waste Local Plans (which are separate DPDs to the more wider Local Plan referred above). The currently adopted Minerals and Waste Plans were adopted just prior to the publication of the National Planning Policy Framework (NPPF) in March 2012 and are now coming to the end of their life and need updating. If it is agreed to commence a review of the Minerals and Waste Local Plans, then the LDS must state so prior to commencement.
- 4.5 The revised LDS (incorporating both an updated Local Plan preparation timetable and the proposed timetable for the Minerals and Waste Local Plan) is attached at Appendix 1.

5. **CONSULTATION**

- 5.1 The LDS is a timetable setting out the different stages involved in the preparation of a Local Plan. It identifies the different stages that each plan will be available for public consultation. Therefore the LDS itself is not required to be consulted on.

6. **ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 That Cabinet will agree, in principle, to commencement of a Cambridgeshire and Peterborough Minerals and Waste Local Plan and, if Cabinet does so, also approve the attached Local Development Scheme (Appendix 1) which sets out the timetable for preparing a new Minerals and Waste Local Plan, as well as taking the opportunity to update the timetable for preparation of the wider Peterborough Local Plan.

7. **REASON FOR THE RECOMMENDATION**

- 7.1 An up to date Minerals and Waste Local Plan provides certainty for developers, land owners, service providers and local residents in terms of where future development will take place.
- 7.2 It is also important to keep the LDS up to date in respect of the ongoing preparation of the Peterborough Local Plan. As such, it is recommended that the attached LDS is approved.

8. ALTERNATIVE OPTIONS CONSIDERED

Minerals and Waste Local Plan

- 8.1 The option of not preparing a revised Minerals and Waste Local Plan has been considered. Whilst superficially attractive from a financial perspective (because staff resource and other expense will not be used on its preparation), it has been rejected because the present plan is pre-NPPF, is now over five years old (and will be eight years old at the point of adopting a new one, if commenced today), and, if not updated, the council is at risk of uncoordinated and unplanned minerals and waste development having to be approved on a case by case basis, often by costly planning appeal routes.
- 8.2 The option of whether to prepare a Minerals and Waste Plan for Peterborough only and without Cambridgeshire County Council has also been explored, but this has been rejected because preparing the plan for just Peterborough would be less efficient. A joint Plan means that examination costs and staff expertise can be shared.

Local Plan

- 8.3 The council could choose not to revise its LDS. This option was rejected as it would not provide up-to-date information for the public, developers and stakeholders on the timetable for producing the documents that will make up the Local Development Framework for Peterborough.
- 8.4 As the existing Peterborough LDS is now slightly out of date, it would mean that the council would not comply with the section 15 of the Planning and Compulsory Purchase Act 2004 (as amended), which requires the council to maintain an up-to-date LDS.

9. IMPLICATIONS

Financial Implications

- 9.1 Preparing a new Minerals and Waste Local Plan requires resources to pay for staff, essential supporting evidence base documentation, consultation costs and independent examination costs. However, with careful management, the costs associated with preparing a new Minerals and Waste Local Plan should be able to be met from existing budgets.

Legal Implications

- 9.2 The Council is required by section 15 of the Planning and Compulsory Purchase Act 2004 to prepare and maintain a LDS. The LDS must be revised when the Council considers it expedient to do so. The Council can only prepare new Development Plans (Local Plans) in accordance with the LDS.
- 9.3 Adoption of the attached LDS would therefore enable a new Minerals and Waste Local Plan to be prepared. If it is not adopted, it would be unlawful to commence a new Minerals and Waste Local Plan. Adoption would also ensure the wider Local Plan is prepared to an up to date timetable.
- 9.4 For the avoidance of doubt, the decision to commence (or not) a new Minerals and Waste Local Plan has no impact on the legal status of existing adopted planning policy documents in operation in Peterborough. Such documents will continue to be used to determine planning application and similar proposals.

Equalities Implications

- 9.5 No implications

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Planning and Compulsory Purchase Act 2004

11. APPENDICES

11.1 Appendix 1 - Peterborough Local Development Scheme 2017