

Report for: Cabinet 12th November 2019

Title: Revised Local Development Scheme

Report authorised by : Emma Williamson, Assistant Director, Planning, Building Standards and Sustainability

Lead Officer: Philip Crowther, Principal Planning Officer (x5686)

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key Decision

1. Describe the issue under consideration

- 1.1 This report sets out the revised timetable for the Local Plan documents the Council is intending to prepare over the coming years. The revised Local Development Scheme (LDS) is intended to replace the current outdated LDS published in April 2016.
- 1.2 Regulatory Committee considered this item on 14th October and didn't seek any amendments and endorsed the recommendations below.

2. Cabinet Member Introduction

- 2.1 The LDS is a document setting out a timetable for the preparation of a new Local Plan for the Borough, alongside updates to the timetable for progression of the Wood Green Area Action Plan and the North London Waste Plan through to adoption, which is required by legislation. The LDS does not set out any draft or emerging policy content but is important to indicate to members, the public and businesses when the Council intends to prepare and consult on Planning Policy documents.

3. The Cabinet is requested to:

- 3.1 Approve the revised Local Development Scheme (LDS) at Appendix A for publication with immediate effect (12 November 2019) as noted and endorsed by Regulatory Committee.

4. Reasons for decision

- 4.1 Under Section 15 (1) of the Planning and Compulsory Purchase Act 2004 (as amended), the Council has a statutory duty to maintain an up-to-date LDS. The revised LDS fulfils this duty, reflecting the current timetable for the preparation of the Development Plan Documents (DPDs) that, when adopted, will comprise Haringey's Local Plan.

5. Alternative options considered

- 5.1 The option of not updating the LDS has been considered but is dismissed. Section 19 (1) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that all DPDs be prepared in accordance with the LDS. This includes complying with the timetable contained in the LDS for each of the relevant DPDs. If the project timetables for preparing a DPD and that in the LDS differ significantly, this is likely to lead to a finding of non-compliance with the statutory legal test at the independent examination of the relevant DPD.
- 5.2 Therefore, the only valid option available is to revise the out-of-date timetable in the LDS to reflect the current timetable to satisfy the legal requirements of the Act.

6. Background information

- 6.1 The LDS is required to be published by law. The primary legislation, secondary legislation and national government guidance relating to LDSs comprises:
- The Planning and Compulsory Purchase Act 2004 (as amended) ('the Act');
 - The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ('the Regulations'); and
 - National Planning Guidance on Plan-making¹.
- 6.2 The Council must prepare and maintain a LDS as required by Section 15(1) of the Act and paragraph 003 of the National Planning Guidance on Plan Making.
- 6.3 The LDS is important because it is intended to keep the public and other stakeholders informed of the planning policy documents the Council has or is intending to prepare that will comprise a new Local Plan for the Borough. Importantly, it also establishes the timetable for when each document will be prepared, highlighting key milestones such as the public consultation stages. It also ensures that there is an up to date timetable for policy documents currently in process, including the North London Waste Plan and the Wood Green Area Action Plan (AAP).
- 6.4 The Council's current LDS was revised and adopted in April 2016. It saw the alterations to the Strategic Policies DPD, the Development Management Policies DPD, the Site Allocations DPD, and the Tottenham Area Action Plan all progress in tandem to the same timetable. In accordance with the current LDS timetable, adoption took place in 2017.
- 6.5 A further Regulation 18 consultation stage has been conducted on the Wood Green AAP since the current LDS was published, reflecting the fact that there are no confirmed plans for Crossrail 2, and to take into account further feedback and a change in Council priorities since the 2017 consultation

¹ <https://www.gov.uk/guidance/plan-making>

- 6.6 Delays to the North London Waste Plan are as a result of further work to be done on site selection and ensuring a robust assessment of these including addressing concerns of Enfield Council.
- 6.7 The LDS at Appendix A shows the existing and revised timetables for the preparation of these documents in process, as well as a new timetable for a new Local Plan, which will replace the Strategic Policies, Development Management Policies, Site Allocations and Tottenham Area Action Plan (AAP) .
- 6.8 There is no requirement to consult on an LDS or to submit to the Mayor of London or Secretary of State. There is no requirement to include Supplementary Planning Documents (SPDs) or Neighbourhood Plans in the LDS.

7. Contribution to strategic outcomes

- 7.1 The completion of key planning documents assists in the delivery of many Borough Plan priorities. Not only does it enable the Council to better manage development in the Borough, but assist in the delivery of other corporate priorities around regeneration, economic development and housing delivery including:
- identifying sufficient land for Haringey's future housing and economic development needs;
 - focusing new development to where it can be best managed;
 - securing inward investment through the development of key strategic sites;
 - assisting with land assembly required to bring about comprehensive development that maximises the delivery of community benefits;
 - ensure Wood Green town centre fulfils its potential as a thriving and distinctive metropolitan centre;
 - securing and sustaining the vitality and viability of our District and Local Centres and designated employment areas; and
 - enhancing the quality and capacity of social and physical infrastructure required to support growth and achieve more sustainable communities.

8. Statutory Officers comments

Finance

- 8.1 The preparation and publication of the LDS itself is met within existing Planning Policy Team staff budgets. The ongoing budget requirements of the LDS/ Local Plan preparation are being addressed in the formulation of the new draft Budget and MTFS.

Procurement

- 8.2 Procurement were consulted and there are no implications arising from the report.

Legal

- 8.3 The Assistant Director of Corporate Guidance has been consulted on the preparation of this report and comments as follows.
- 8.4 Under section 15 (1) of the Planning and Compulsory Purchase Act 2004 (as amended) local planning authorities must prepare and maintain a Local Development Scheme (LDS).
- 8.5 The local planning authority must revise their LDS at such time as they consider appropriate or when directed to do so by the Secretary of State or the Mayor of London.
- 8.6 The LDS must specify the following:
- 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 under section 29;
 - the timetable for the preparation and revision of the development plan documents; and
 - such other matters as are prescribed.
- 8.7 LDSs are subject to direction by the Secretary of State and / or the Mayor of London and these must be complied with².
- 8.8 To bring the LDS into effect, the Council must in due course resolve that the scheme is to have effect and in that resolution specify the date from which the scheme is to have effect.
- 8.9 Local planning authorities should publish their LDS on their website.

Equality

- 8.10 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not.

² <https://www.legislation.gov.uk/ukpga/2004/5/section/15>

- 8.11 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 8.12 The LDS will have a positive impact on those groups with protected characteristics by setting out transparently the Council's timetable for producing Local Plan documents to facilitate engagement in those documents from as wide a variety of people as possible. Detailed equality impact assessment issues will be considered when any new policy document emerges.

9. Use of Appendices

Appendix A: Proposed Revised Local Development Scheme

10. Local Government (Access to Information) Act 1985

Background documents:

Current Local Development Scheme (adopted April 2016)

https://www.haringey.gov.uk/sites/haringeygovuk/files/haringey_lds_1st_april_2016.pdf