

Local Plan for Lancaster District: Publication of Revised Local Development Scheme

27th September 2023

Report of Chief Officer Planning and Climate Change

PURPOSE OF REPORT

Following resolutions on Future Local Plan Options made by Cabinet on 12 September 2023 resolution this report presents a revised Local Development Scheme (LDS). This describes the Local Development Plan ("Local Plan") Documents that the Council will prepare along with a timetable for their preparation. Council is asked to approve the LDS for publication along with a process of delegation for minor updates.

This report is public.

RECOMMENDATIONS

- (1) **That the October 2023 Local Development Scheme [LDS], which is attached to this report, and the approach to the publication of subsequent updates to the timetable is approved for publication and comes into effect upon the Council's resolution.**

1.0 Introduction

- 1.1 Local Planning Authorities are obliged to prepare and maintain development plan documents. They must also let communities and stakeholders know of their intentions on the preparation of development plan documents by publishing and maintaining a Local Development Scheme [LDS]. The LDS must state which development plan documents the authority is preparing and a timetable for their preparation¹.
- 1.2 On 12th September 2023 Cabinet resolved that the Council ceases work on the Lancaster South Area Action Plan and commences a full review of the Local Plan for Lancaster District. The Cabinet also resolved that an indicative timetable for the review would be presented to the Local Plan Review Group which would also monitor progress.
- 1.3 [Appendix 1](#) to this report is an updated LDS describing which Development Plan Documents ("Local Plan") the Council intends to prepare and the timetable for their preparation.

¹ . The Planning & Compulsory Purchase Act 2004, as amended by Section 11 of the Localism Act 2011, states that to bring the Local Development 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.

2.0 Proposal Details

- 2.1 Lancaster City Council has an up to date Local Plan, adopted in July 2020. Following the Council's declaration of a Climate Emergency the Council is currently reviewing the Local Plan to explore opportunities for development outcomes that would better address the challenges of climate change. Work is well advanced on the Climate Emergency Review and the Inspector's report, which concludes the independent examination process, is anticipated within the next few months. Following the adoption of the Local Plan in July 2020 the Council has also been preparing the Lancaster South Area Action Plan (LSAAP). Work on developing the evidence base for the Area Action Plan was paused in June 2023, following the announcement about the Housing Infrastructure Fund (HIF).
- 2.2 On 12 September 2023 Cabinet was advised that the adopted Local Plan includes a Planning Policy, Policy LPRM1, which obliges the Council to review the Local Plan within five years of the date of its adoption, i.e. no later than 29 July 2025. The Policy describes the circumstances where an earlier review of the Local Plan would be necessary. These circumstances focus on potential challenges to the delivery of important infrastructure and the development of strategic development sites.
- 2.3 The announcement by Lancashire County Council on 15 June 2023 regarding the Housing Infrastructure Fund (HIF) and the suspension of further work on the proposed South Lancaster to M6 transport project represents a significant change of circumstances. The decision, which was supported by Lancaster City Council, means that anticipated infrastructure, including transport infrastructure is unlikely to come forward in the short-term, and that this will affect the future rate of delivery of key strategic sites. Cabinet was advised that the plan mechanism had therefore been triggered by the implications of the HIF announcement.
- 2.4 Cabinet was presented with options of continuing to prepare the Lancaster South Area Action Plan (LSAAP); or ceasing work on the LSAAP and commencing a full Local Plan Review; or pausing all plan-making activity pending further certainty regarding the national plan-making system (which is currently the subject of significant proposed change). Cabinet resolved to cease work on the LSAAP and commence a full review of the Local Plan.
- 2.5 Development Plan Documents are part of the Council's Policy Framework. The Council's Cabinet is therefore responsible for guiding the preparation of development plan documents; however, it is Council that makes formal decisions on the publication of the Local Development Scheme and the submission and adoption of Development Plan Documents. Council last approved a substantive review of the LDS at the time of adoption of the current Local Plan (29 July 2020). To obviate the need for Council to consider frequent reports on non-substantive updates to the LDS the Council also approved a process of delegation (to keep the timetable up to date as progress is made or circumstances cause delays).
- 2.6 Should Council resolve to approve the attached LDS for publication it is anticipated that a further report will be presented to Cabinet to secure the resources needed to enable the review of the Local Plan. Preparing or reviewing a Local Plan requires resources to be made available to enable; evidence gathering, independent sustainability assessment and Habitats Regulation Assessment and, following submission to government, independent Examination by the Planning Inspectorate.
- 2.7 The Council is additionally asked to delegate the publication of subsequent LDS revisions that are necessary to update the project timetable to the Service Manager -

Planning and Housing Strategy following the endorsement of the Portfolio Holder for Planning and Placemaking.

3.0 Details of Consultation

3.1 The LDS does not of itself propose planning policies or shape planning decisions; it is the project plan that lists the development plan documents the Council will prepare and provides a timetable for their preparation. The LDS is not the subject of consultation itself. When preparing the local development documents listed in the LDS the Council will undertake engagement and consultation in accordance with its own Statement of Community Involvement (SCI), along with national planning practice guidance and regulatory requirements

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Adopt and publish the revised Local Development Scheme on the Council's website.	Option 2: Do not adopt and publish the revised Local Development Scheme on the Council's website.
Advantages	The Council provides the community and stakeholders with clarity on its intentions to review the Local Plan along with a timetable for doing so.	None
Disadvantages	None	The Council is obliged to prepare and publish a Local Development Scheme. By not doing so the community and stakeholders will be not aware of the Council's intentions on updating the Local Plan. Section 19(1) of the Town and Country Planning Act states that Development plan documents must be prepared in accordance with the LDS, thus if the Council does not publish and maintain an LDS it is not possible to meet the tests of soundness at development plan examination.
Risks	None	Reputational risk resulting from the Council not demonstrating its intentions for preparing and maintaining its own development plan documents as required by legislation.

5.0 Officer Preferred Option (and comments)

5.1 Option 1. The Council's Cabinet has resolved that the Council should review its Local Plan. The Council is obliged to prepare and maintain the local development plan and it is further obliged to demonstrate its intentions by preparing, maintaining, and publishing an LDS.

6.0 Conclusion

- 6.1 Members are aware that the Council has an up to date Local Plan which is currently being reviewed to take greater account of climate change concerns. The Local Plan proposed that a proportion of the district's development requirements would be delivered on land to the south of Lancaster. The adopted plan identifies a broad location for growth in south Lancaster which would include a new garden village. Development in south Lancaster would have been enabled by the delivery of new transport infrastructure funded in part by the award of Housing Infrastructure Funding (HIF). The announcement that the HIF project was not to be continued represents a significant change in circumstances. Cabinet has resolved that the change in circumstances triggers the need to review the local plan, in accordance with the Local Plan's own Policy on a Local Plan Review Mechanism. A new local plan project timetable is therefore required; this report recommends that the attached LDS is approved for publication.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):

The preparation and publication of the Local Development Scheme, in effect a project timetable, does not in itself shape policy development or inform decision making.

Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing matters will be addressed during the preparation of the Local Plan documents.

LEGAL IMPLICATIONS

The Council is obliged to prepare and maintain a Local Development Scheme to demonstrate how it intends to deliver on its responsibilities for preparing and maintaining local development plan documents. Section 111 of the Localism Act 2011 amended Section 15(7) of the Planning & Compulsory Purchase Act 2004 to say;

"To bring the [Local Development] 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."

FINANCIAL IMPLICATIONS

There are no direct financial implications from the adoption and publication of a Local Development Scheme.

There will be, however, significant resource and financial implications associated with Development Plan preparation/Local Plan review, the impact of which will be detailed by the Chief Officer of Planning and Climate Change in a future Cabinet report.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

Human Resources:

Information Services:

Property:

Open Spaces:

There are no other direct implications from the adoption and publication of a Local Development Scheme

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted and has no additional comments in regard to this report. However, he asks that Members note the comments within the Financial Implications.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments to add.

BACKGROUND PAPERS

[Appendix 1](#) - (DRAFT) Local Development Scheme [Local Plan Timetable]

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