

<b>COUNCIL</b>		
<b>Report Title</b>	Local Development Scheme Adoption	
<b>Key Decision</b>	Yes	Item No.
<b>Ward</b>	All	
<b>Contributors</b>	Head of Planning & Head of Law	
<b>Class</b>	Part 1	Date:24 June 2015

## **1. Summary**

- 1.1 The Local Development Scheme (LDS) is the Council's official timetable for the production of statutory planning documents. It is a legal requirement to keep the LDS up to date when new plans are proposed and when existing timetables change. This current LDS was agreed by the Mayor on 4<sup>th</sup> March 2015 and he recommended that the Council adopt the revised LDS. Some changes have been made to the timetable agreed by the Mayor and the details are set out in section 6 of this report.

## **2. Purpose**

- 2.1 This report seeks the Council's formal resolution to adopt the Local Development Scheme and bring it into effect.

## **3. Policy context**

- 3.1 The Local Development Scheme is part of the Local Development Framework and as such is part of the Council's policy framework as set out in the Council's constitution. It requires the approval of the full Council to bring it into effect. The full policy context is set out in the report to Mayor and Cabinet dated 4<sup>th</sup> March 2015 which is set out as annex 2 to this report.

## **4. Recommendation**

- 4.1 The Council is recommended to adopt the Local Development Scheme set out as Appendix 1 to this report and bring it into effect from the 24<sup>th</sup> June 2015.

## **5. Background**

- 5.1 The Lewisham LDS is a procedural document in the local planning system. It is a project plan that outlines what planning documents the Council is preparing and the timeline for their preparation and adoption. It is a statutory planning document under the Planning and Compulsory Purchase Act 2004 (as amended).

- 5.2 The Act as amended requires that the LDS is kept up to date. The current version of the LDS was adopted by the Full Council at its meeting on 27<sup>th</sup> February 2013. Each new Local Plan document the Council intends to produce must be included in a revised LDS. In addition any revision to the adopted timetable must be reflected in the revised LDS.
- 5.3 The revised LDS has been prepared to reflect changing government regulations and guidance, and changed local circumstances that require the inclusion of a new local plan and an update of the timetable of existing Local Plan production. There were 6 previous LDS documents and they were numbered 1-6 as revisions took place. However, the complete set of local plan documents under production are now completed and as such it has been decided to refer to the new LDS as version 1 (new series). The details of the revised LDS were set out in the report to Mayor and Cabinet dated 4<sup>th</sup> March 2015. The most significant change was the production of an integrated local plan for the borough in line with guidance set out in the National Planning Policy Framework.

## **6. Changes to revised LDS (Mayor and Cabinet Version)**

- 6.1 The report to Mayor and Cabinet dated 4<sup>th</sup> March 2015 set out the LDS content at section 6 and the key changes to the previous adopted LDS at section 7. In line with current government policy the proposal is to produce a single integrated local plan for the whole borough and a separate single issue Gypsy and Traveller's Site(s) local plan.
- 6.2 The LDS timetable for production of the borough local plan included an early stage of public consultation in July and August this year. The Town and Country Planning (Local Planning) (England) Regulations 2012 require the local planning authority to notify certain bodies or persons about the subject of a local plan and invite representations. This early stage of consultation will identify the types of issues that the local plan will address. Further rounds of consultation will provide more detail on options and policy.
- 6.3 However, since the report to Mayor and Cabinet on 4<sup>th</sup> March officers have reconsidered the date of this first round of initial consultation. As it falls over the summer holidays it is considered that moving the dates from July and August to September and October would be preferable as this is considered a better time to consult the general public. This would have a small impact on the second round of public consultation which is now programmed to move a month and take place in March and April 2016. The rest of the timetable remains unchanged.
- 6.4 There is also a small adjustment to the timetable for producing the Gypsy and Traveller's Site(s) Local Plan. This delay has been caused by the delay in receiving the traveller's needs assessment. Consultation on a site cannot take place until the size of site needed is identified and this will be done via the

needs assessment. The timetable for the first round of consultation has been moved two months from October and November 2015 to February and March 2016. All subsequent stages have been moved on by two months.

- 6.5 The details of the revised timetable are shown on page 9 of the LDS set out as annex 1 to this report.

## **7. Legal implications**

- 7.1 In order to bring the LDS into effect the Council must resolve that the LDS is to have effect and in the resolution specify the date from which the LDS is to have effect. (Section 15 of the Planning and Compulsory Purchase Act 2004). It falls to full Council to adopt the LDS.

- 7.2 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

- 7.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

- 7.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:  
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

- 7.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

7.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:  
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

## 8 Conclusion

8.1 The Council is asked to adopt the Local Development Scheme attached as annex 1 to this report and bring it into immediate effect. The Local Development Scheme will be placed on the planning policy web page following the adoption by the Council.

### Background documents

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
<a href="#">Planning &amp; Compulsory Purchases Act 2004</a>	2004	Laurence House	Planning Policy	Brian Regan	No
<a href="#">Local Plan Regulations</a>	2012	Laurence House	Planning Policy	Brian Regan	No

If you have any queries on this report, please contact Brian Regan, Planning Policy, 3rd floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 8774.

### Appendix 1. Revised LDS for adoption

### Appendix 2 Report to Mayor and Cabinet on LDS 4<sup>th</sup> March 2015.

This can be viewed at:

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=3501>