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Report of: Executive Director of Place
Report to: Cabinet Member for Transport and Development
Date of Decision: 25 October 2019
Subject: Local Development Scheme

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? Transport and Development		
Which Scrutiny and Policy Development Committee does this relate to? Economic and Environmental Wellbeing Scrutiny Committee		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? 650		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>		

Purpose of Report:

To seek approval of the revised Local Development Scheme ("**LDS**") (which sets out the development plan documents that SCC will prepare and consult on and the timetable for producing them) and to secure the bringing into effect of the LDS on 20 November 2019.

Recommendations:

It is recommended that the Cabinet Member:

- approves the revised Local Development Scheme attached as an Appendix to this report; and
- resolves that it is to have effect from 20 November 2019; and
- agrees to the LDS being published on the Council's website

Background Papers:

Draft Local Development Scheme (see Appendix)

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Catherine Murray
	Legal: Katy McPhie
	Equalities: Annemarie Johnston
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission: Laraine Manley
3	Cabinet Member consulted: Cllr Bob Johnson
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	Lead Officer Name: Simon Vincent
	Job Title: Local Plan Service Manager
Date: 22 October 2019	

1. PROPOSAL

- 1.1 Section 19 of the Planning and Compulsory Purchase Act 2004 (the **2004 Act**) requires the local planning authority to identify the strategic priorities for the development and use of land in its area and set out policies to address those priorities in “development plan documents” (which are often collectively referred to as the “Local Plan”). Together, Section 19 of the 2004 Act and the National Planning Policy Framework¹ require that strategic policies set out an overall strategy for the pattern, scale and quality of development and make sufficient provision for housing, employment, retail, leisure and other commercial development, infrastructure, community facilities, and conservation and enhancement of the natural, built and historic environment, as well as including policies designed to secure contribution towards mitigation of and adaption to climate change.
- 1.2 The Council’s current Local Plan comprises saved policies of the Unitary Development Plan dating back to 1998 and the Core Strategy dated 2009. Work is underway to begin the process of developing a new Local Plan. We will be calling Sheffield’s new local plan the “Sheffield Plan”².
- 1.3 Arising from this process, the local planning authority has a legal obligation to prepare and maintain a Local Development Scheme (“**LDS**”) pursuant to section 15 of the 2004 Act. The LDS outlines which local development plan documents are going to be prepared together with the subject matter and geographical area to which they relate, as well as the timetable for producing each document. This report seeks approval for a revised LDS which will be published on the Council’s website.
- 1.4 The previous version of the LDS (published in July 2016) allowed for three public consultation periods and envisaged adoption of the Local Plan by September 2018. Since the publication of that previous LDS, it has been necessary to take account of the Government’s Housing White Paper (published January 2017) and subsequent changes to national planning policy and guidance, including revisions to the National Planning Policy Framework (July 2018 and February 2019). Officers have also been working with Members to develop a new vision for how the city could develop in the future set against the context of the updated NPPF. The previous LDS is now clearly out of date and so the revised LDS proposes and sets out the following:
- A new Issues and Options consultation (a previous Issues and Options consultation was undertaken in November 2015- January 2016) which will

¹ See <https://www.gov.uk/government/publications/national-planning-policy-framework--2>; paragraph 20.

² Many consultation documentations produced in the early stages of this process and the developing draft plan itself may also make reference to the “Sheffield Plan” (on front covers for example). This is for consistency of presentation and to indicate that the work is contributing towards the Local Plan process, which will eventually lead to adoption of the new Sheffield Plan. However it remains important to note that the Council is some way off developing its draft plan at this stage.

inform the content of the Publication Draft Sheffield Plan is now proposed to take place in July–September 2020³.

- After all representations are considered work will commence on producing the Publication Draft Local Plan (the Council’s formal proposals for the new Local Plan) which is expected to be prepared by July 2021. Consultation on the Publication Draft Local Plan is now proposed to take place in July to September 2021⁴;
- Submission of the Publication Draft Local Plan to Government is now expected to take place in January 2022⁵;
- Once the Publication Draft Local Plan is submitted to Government there will be a Public Examination comprising a number of public hearings. Under the revised LDS we now expect the public hearings to take place during the period April-July 2022, with the Inspector’s preliminary report on the Draft Sheffield Plan being published around November 2022⁶;
- Consultation on any ‘main modifications’ to the Draft Plan if required (reflecting the Inspector’s recommendations in their preliminary report) is proposed to take place in January-February 2023⁷, with the final Inspector’s report expected to be published by June 2023; and
- Cabinet approval and adoption by full Council is proposed to take place in September 2023.

1.5 Furthermore the Localism Act 2011 introduced the right for local residents and workers to develop their own planning policies in a neighbourhood plan, which eventually become part of the Local Plan. The National Planning Practice Guidance (“**NPPG**”) encourages local authorities to include details of Neighbourhood Plans in their LDS⁸. See Table 1 of the LDS (at the appendix to this report) for information relating to four Neighbourhood Plans which are being prepared by designated Neighbourhood Forums in Sheffield.

2.0 HOW DOES THIS DECISION CONTRIBUTE?

2.1 As stated above, the LDS sets out a timetable for preparing, consulting and adopting the Sheffield Plan, which will be designed to contribute towards securing a strong economy, thriving neighbourhoods and communities, improving health and wellbeing, addressing inequalities across the city and mitigating and adapting to climate change. It therefore directly aligns with the Council’s ambition (and statutory duty) of delivering the Local Plan.

³ This consultation is required to be carried out pursuant to Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012.

⁴ This consultation is required to be carried out pursuant to Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012.

⁵ The Submission is required to be carried out pursuant to Regulation 22 of the Town and Country Planning (Local Planning) Regulations 2012.

⁶ Note that the public hearings and inspector’s preliminary report are not shown as separate “milestones” in figure 1; these events are grouped in as part and parcel of the examination stage after submission, shown as spanning January 2022 to June 2023 inclusive.

⁷ Again the consultation on the main modifications is grouped in with the examination stage.

⁸ See [National Planning Practice Guidance: Plan-making, September 2018](#).

3.0 CONSULTATION

- 3.1 There is no legal requirement to consult on the Local Development Scheme. The development plan documents to which the LDS relates will themselves be the subject of extensive public consultation as set out in the LDS.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 There are no equalities impacts, positive or negative, from approving, bringing into effect and publishing the revised Local Development Scheme. The LDS outlines when we will consult on new planning policies and the new Issues and Options consultation will support our long standing commitment to effective community involvement.

4.2 Financial and Commercial Implications

- 4.2.1 There are no direct revenue implications as a result of approving, bringing into effect and publishing the revised Local Delivery Scheme.

4.3 Legal Implications

- 4.3.1 Pursuant to Section 15(1) of the Planning and Compulsory Purchase Act 2004 (**the 2004 Act**) all local planning authorities are legally required to prepare and maintain a Local Development Scheme (**LDS**). Section 15 (3A) provides that if a local planning authority does not prepare an LDS, the Secretary of State may prepare one and direct the authority to bring it into effect.
- 4.3.2 Section 15(2) of the 2004 Act prescribes what an LDS must specify, including the documents proposed to be prepared which are to be development plan documents (**DPDs**), the subject matter and geographical area to which each DPD relates, and the timetable for the preparation and revision of the DPDs. It also requires the LDS to set out which DPDs are to be prepared jointly with other local planning authorities. In SCC's case this means the joint South Yorkshire Waste Management Plan which is proposed to be prepared jointly with Barnsley, Doncaster and Rotherham councils. Initial discussions have been held with the other South Yorkshire local authorities but a timetable for producing the new document has yet to be agreed. Consequently the proposed revised LDS will need to be updated once agreement has been reached on the timetable and process.
- 4.3.3 Section 15 (7) of the 2004 Act requires the local planning authority to resolve that an LDS is to have effect and specify in that resolution the date from which it is to have effect.
- 4.3.4 Section 15 (8) of the 2004 Act requires a local planning authority to revise their LDS at such time as they consider appropriate, or when directed to do so by the Secretary of State.

- 4.3.5 Section 15 (9) requires the up-to-date text of the LDS to be made available to the public. The revised LDS will be published on the Council's website.
- 4.3.6 Giving effect to the recommendations of this report and particularly bringing the LDS into effect and publishing it on the Council's website will comply with the relevant legislative requirements summarised above. The coming into effect of the LDS will prevent intervention from the Secretary of State pursuant to section 15 (3A) or (8) of the 2004 Act.

4.4 Other implications

- 4.4.1 There are no other direct implications arising from the approval, bringing into effect and publication of the revised LDS.

5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The preparation, bringing into effect and revision of a Local Development Scheme are statutory requirements and in that regard there is no alternative option. Otherwise the Secretary of State can prepare an LDS and direct the local planning authority to bring it into effect and the Council would have very little, if any, input into that. However the time periods allocated to each stage of the process in the revised LDS have been carefully considered. It is important that timely progress is made but it is equally important that the timetable can be adhered to. The time periods included in the revised LDS are considered to be the most appropriate and realistic. Some of the key points that were considered when formulating the revised LDS are summarised below.
- 5.2 The preparation of Local Plans must be underpinned by relevant and up-to-date evidence⁹. Significant work is required on the evidence base at the outset of the process to underpin any Issues and Options consultation documents. As part of developing the vision for the city, officers intend to undertake further engagement with landowners, agents, developers and local residents about the scope for redevelopment in the central area of Sheffield (covering the City Centre and the areas fringing the centre). This will take place later this year. One of the main objectives of this will be to explore the potential for additional housing development in those areas. The recent declaration of the Climate Emergency, and commitment to targeting rapid decarbonisation over the plan period, adds impetus to the need to secure sustainable sites for housing growth in the city. A stronger focus on the central area would potentially support lower carbon living through densification of land uses, provision of more efficient buildings and encouraging sustainable travel through improved alignment of residential and employment land. Sufficient time for this work to be carried out, before the Issues and Options documentation is prepared and subsequently consulted on, needs to be allocated in the LDS.

⁹See NPPF <https://www.gov.uk/government/publications/national-planning-policy-framework--2>; para 31 and guidance in the NPPG at <https://www.gov.uk/guidance/plan-making>, para 34 onwards.

- 5.3 In the proposed revised LDS we have allowed for additional time (when compared to the previous version of the LDS) after submission of the Plan, because experience elsewhere suggests that the process from the date of submission to adoption typically takes 18-24 months.

6. REASONS FOR RECOMMENDATIONS

- 6.1 As explained above the local planning authority is legally required to produce a Local Development Scheme and keep it up to date and so the recommendations in this report are made to secure compliance with that statutory requirement. The LDS sets the timetable for delivery of a new Local Plan, which will be designed to contribute towards securing a strong economy, thriving neighbourhoods and communities, improving health and wellbeing, addressing inequalities across the city and mitigating and adapting to climate change.

APPENDIX

Sheffield City Council Local Development Scheme – 2019 - 2023 Effective from []

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Introduction

The [Planning and Compulsory Purchase Act 2004, Section 15](#), (as amended by the Localism Act 2011) requires a Local Planning Authority to prepare and maintain a Local Development Scheme (LDS). An LDS sets out a timetable for producing development plan documents which, when eventually adopted, will comprise the Local Plan for the area.

When adopted, the Council's Local Plan will be called the Sheffield Plan. This LDS contains details of the timetable for producing the Sheffield Plan. It sets out a planning work programme for the Council over the period to September 2023 and takes effect from []. The LDS will be regularly reviewed to keep it up to date.

Background to Plan Making

The [National Planning Policy Framework](#) (NPPF) defines a local plan as “a plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two”. Section 19 of the Planning and Compulsory Purchase Act 2004 and the NPPF specify what the local plan should include. Further guidance is also provided in National Planning Practice Guidance on Plan-making (September 2018).

The Planning and Compulsory Purchase Act 2004 (as amended) requires the City Council to update the LDS, to keep a copy of any amendments and provide up to date information about compliance with the published timetable. The Sheffield Plan is currently on track to be produced in line with the timetable outlined in this LDS.

Current Development Plan Documents

The current adopted development plan documents (often referred to as the “Local Plan”) for Sheffield are:

- [Sheffield Core Strategy \(2009\)](#)
- ‘Saved’ policies of the [Sheffield Unitary Development Plan \(UDP\) \(1998\)](#) – see [Sheffield Core Strategy Appendix 3](#) for the list of UDP policies that were superseded by the Core Strategy

New Development Plan Documents in Preparation

(a) Sheffield Local Plan

Sheffield's Local Plan is currently in the process of being replaced, as confirmed by this Local Development Scheme. The new plan will be referred to as "the Sheffield Plan" and will include both strategic and local policies. It will set out the vision, objectives and strategic policies for the whole of the Sheffield administrative area except the part of the district within the Peak District National Park¹⁰. The **strategic policies** will set out an overall strategy for the pattern, scale and quality of development and make sufficient provision for housing, employment, retail, leisure and other commercial development, infrastructure, community facilities, and conservation and enhancement of the natural, built and historic environment, as well as including policies designed to secure contribution towards mitigation of and adaption to climate change.

The Plan will also include **non-strategic policies** setting out more detailed policies for specific areas, neighbourhoods and types of development. This will include the local provision of infrastructure and community facilities, establishing design principles, conserving and enhancing the natural and historic environment, and other development management policies.

Allocated sites will be illustrated on a Policies Map which will form part of the Sheffield Plan.

The plan will cover the period 2023-2038.

Once adopted, the Sheffield Plan will replace:

- All the policies in the Sheffield Core Strategy (2009) except the following policies (see further at paragraph (b) below):
 - [CS68 Waste Development Objectives](#);
 - [CS69 Safeguarding Major Waste Facilities](#) and
 - [CS70 Provision for Recycling and Composting](#)
- All the saved policies in the Sheffield Unitary Development Plan (1998)

¹⁰ The Peak District National Park Authority is responsible for preparing the Local Plan for the national park. See [Peak District National Park Local Development Framework Core Strategy \(2011\)](#) and [Development Management Policies \(2019\)](#).

It is anticipated that the Sheffield Plan will be adopted in 2023 following examination by the Planning Inspectorate on behalf of the Secretary of State. The full timetable, showing the main milestones, is set out in Figure 1 below. Progress against the milestones will be reported in the Authority Monitoring Report.

The Sheffield Plan will be reviewed at least every 5 years after it has been adopted.

(b) South Yorkshire Joint Waste Local Plan

Agreement has been reached, in principle, with the other South Yorkshire Unitary Authorities to produce a Joint Waste Local Plan. This will replace waste management policies in the Sheffield Core Strategy (2009) as well as the adopted [Joint Barnsley, Doncaster & Rotherham Waste Plan \(March 2012\)](#). The overall timetable for producing the plan has not yet been agreed between the four local authorities but evidence gathering is due to commence by the end of 2019. The evidence gathered will help to inform the next stages of the project. The authorities intend to work towards production of a memorandum of understanding and legal agreement directly relating to the production of the Joint Waste Local Plan. The LDS will be updated as and when this occurs.

Once adopted, the South Yorkshire Joint Waste Local Plan will replace the following policies in the Sheffield Core Strategy (2009)

- [CS68 Waste Development Objectives](#);
- [CS69 Safeguarding Major Waste Facilities](#)
- [CS70 Provision for Recycling and Composting](#)

Neighbourhood Plans

Neighbourhood plans are defined in the NPPF as plans which are “prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004”. Once they have been adopted, neighbourhood plans become part of the development plan (often referred to as “the Local Plan”) for the area.

Four neighbourhood plans are currently being prepared in Sheffield. Details of these are set out in Table 1 below.

Figure 1: Sheffield Plan Timetable

Sheffield Plan Stages		2020												2021												2022												2023											
		N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D										
A	Consultation on Issues and Options (Under Regulation 18*)									*																																							
B	Consultation on Publication (Pre-submission) Draft Plan (Under Regulation 19**)																			*																													
C	Submission of the Draft Plan to Government and Examination (Regulation 20***)																				*																												
D	Inspector's Final Report																																					*											
E	Adoption by the City Council																																						*										

★ Milestone

*Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012.

**Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012.

***Regulation 20 of the Town and Country Planning (Local Planning) Regulations 2012. Please note that this stage C incorporates time for public hearings, the inspector's preliminary report and consultation on any main modifications

Table 1: [Sheffield Neighbourhood Plans](#)¹¹

Area Covered by Neighbourhood Plan	Neighbourhood Planning Body	Status of Neighbourhood Plan as at Sept 2019	Expected Adoption Date
Broomhill, Broomhall, Endcliffe, Somerfield, Tapton (BBEST)	BBEST Neighbourhood Forum	Submitted 12 August 2019	Aug/Sept 2020
Dore	Dore Neighbourhood Forum	Submitted 19 August	Aug/Sept 2020
Kelham Island & Neepsend	Kelham Island & Neepsend Neighbourhood Forum	Draft plan expected spring 2020	Autumn 2022
Stockbridge	Stocksbridge Town Council	On hold – future dates not published	TBC

¹¹ Further details of all neighbourhood planning proposals, including the geographical areas to which each proposed neighbourhood plan will cover, can be accessed via <https://www.sheffield.gov.uk/home/planning-development/neighbourhood-planning>.