

# LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>CABINET</b>	
<b>DATE OF DECISION</b>	<b>23<sup>rd</sup> March 2023</b>	
<b>REPORT TITLE:</b>	<b>Local Development Framework – Local Development Scheme Approval</b>	
<b>CORPORATE DIRECTOR / DIRECTOR:</b>	<b>Nick Hibberd, Corporate Director of Sustainable Communities, Regeneration &amp; Economic Recovery Heather Cheesbrough, Director of Planning &amp; Sustainable Regeneration</b>	
<b>LEAD OFFICER:</b>	<b>Julia Dawe - Plan Making Team Leader Steve Dennington – Service Head for Spatial Planning and Interim Service Head for the Growth Zone and Regeneration Email: <a href="mailto:Julia.dawe@croydon.gov.uk">Julia.dawe@croydon.gov.uk</a> <a href="mailto:Steve.Dennington@croydon.gov.uk">Steve.Dennington@croydon.gov.uk</a></b>	
<b>LEAD MEMBER:</b>	<b>Cllr Jeet Bains, Cabinet Member for Planning &amp; Regeneration</b>	
<b>KEY DECISION?</b>	<b>No</b>	
<b>CONTAINS EXEMPT INFORMATION?</b>	<b>NO</b>	
<b>WARDS AFFECTED:</b>	<b>All</b>	

## 1 SUMMARY OF REPORT

- 1.1** This report seeks agreement from Cabinet to update the Local Development Scheme (LDS). The LDS itself includes an updated timetable for the production of the Review of the Croydon Local Plan 2018 and Community infrastructure Levy 2013. The scope of the Local Plan review which will be brought to Cabinet and Council as part of the programme, at a later date.
- 1.2** Local Planning Authorities are required to prepare and keep up to date a Development Plan for their area. In Croydon the Development Plan is formed of the London Plan, the Croydon Local Plan, and the South London Waste Plan. It is important that the Development Plan is kept up to date to ensure that it reflects recent changes in the planning system, the Council’s current corporate objectives (Mayor’s Business Plan 2022 – 2026), and latest local and macro socioeconomic position, thereby providing a sound basis for determining planning applications and also enabling infrastructure and investment decisions to be taken. The Local Development Scheme is a public project plan which communicates the expected timetable for future changes to the Development Plan.
- 1.3** Since his election last year, the Executive Mayor has made revising the Local Plan, including the removal of the intensification areas, a key priority as set out in the Mayor’s Business Plan 2022-26. Progress has already been made on this front with the revocation of Supplementary Planning Document (SPD) 2. For this reason, a new Local

Development Scheme timetable has been produced that sets out an updated programme.

- 1.4 The Local Development Scheme also reflects other work streams that are part of the Local Development Framework. These include timetables for the production of Conservation Area Management Plans, the Community Infrastructure Levy Charging Schedule, and Supplementary Planning Documents.

## **2 RECOMMENDATIONS**

For the reasons set out in this report the Executive Mayor in Cabinet is recommended:

- 2.1 To approve the updated Local Development Scheme (Appendix 1) as the programme to deliver the Local Development Framework for the Council.

## **3 REASONS FOR RECOMMENDATIONS**

- 3.1 It is a statutory requirement to have an up-to-date LDS which sets out the timetable to maintain an up-to-date Local Plan. Publishing the LDS will enable the Council to work with the public and partners to ensure that decisions are taken in a co-ordinated manner, and provide certainty about when consultations will be held, when residents can engage in the Local Development Framework and new policies will come into effect.

## **4 BACKGROUND AND DETAILS**

- 4.1 Local Planning Authorities are required to prepare and keep up to date a Development Plan (including the Local Plan) for their area. It is important that the Development Plan is kept up to date to ensure that it reflects recent changes in the planning system, the Council's current corporate objectives (Mayor's Business Plan 2022 – 2026) and provides a sound basis for decision making. Therefore, a project plan needs to be put in place to ensure that the review is completed efficiently. The LDS provides the public and partners with the Council's timeframe for the preparation of the Local Development Plan.
- 4.2 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 requires local authorities to prepare and maintain a Local Development Scheme (LDS). The Council's adherence to the LDS is part of the legal compliance check applied to Local Plans at their examinations. The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 has introduced a legal requirement to review Local Development Documents within certain time periods. In respect of a local plan, a review must be completed every five years starting from the date of adoption of the local plan. Consequently, the current LDS (Dec 2020) reflects a timescale for the revision of the Croydon Local Plan adopted February 2018.
- 4.3 The Local Plan Review commenced in 2019, with an Issues and Options consultation held November 2019-January 2020. This was followed by a Publication of the Local Plan Review in January 2022. Following local elections in May 2022, and the Council's Section 114 Notice, progress was halted on the Local Plan Review. The updated LDS sets out how the Review of the Local Plan will be completed. This report is not about the

scope of the Local Plan review which will be brought to Cabinet and Council as part of the programme.

### **Changes from the Approved Local Development Scheme**

- 4.4** This LDS supersedes the Council's previous LDS that was published in December 2020. The revised LDS reflects the need to amend the timetable for the production of an updated Local Plan as a result of changes required as a result of the Mayor's Business Plan 2022 - 2026.
- 4.5** It sets out milestones in the preparation, consultation and adoption of:
- Croydon Local Plan Review,
  - Community Infrastructure Levy Charging Review,
  - Section 106 and Financial Contributions Supplementary Planning Document (SPD),
  - Householder & Residential Extensions SPD,
  - Conservation Area Character Appraisals, and
  - Other consultation documents that are indicated to be commenced in the latter part of the 3-year timetable are: the Bradmore Green and the Kenley Aerodrome Conservation Area Plans and a Borough Design Guide SPD.
- 4.6** The following policy documents are removed from the Local Development Scheme as the milestones were duly achieved;
- South London Waste Plan – Adopted December 2022
  - Local Plan review – Regulation 19 consultation, undertaken January - February 2022
  - South Norwood Conservation Area Management Plan Supplementary Planning Document - adopted July 2022

### **Key Changes to the LDS**

- 4.7** The proposed amendments to the LDS allows for the changes in the Mayor's Business Plan 2022 – 2026 to be included in the Local Plan Review. The most significant change that will be made is to remove the intensification areas. Other changes ensure that the policies follow a design-led approach whilst still planning for new homes and meeting the London Plan housing target.
- 4.8** The review of Conservation Areas will continue with the Webb Estate review to be undertaken as indicated on the programme. Following a sequenced approach, the Bradmore Green Conservation Area will be reviewed next.
- 4.9** As a result of these changes and to ensure that the way that the revised Local Plan has been prepared is legally compliant, it now includes an additional Regulation 19 consultation, which is due to take place in early 2024 with a subsequent submission and examination by a Planning Inspector, which will enable the new Local Plan to be adopted by December 2025. Other key milestones and consultations programmed for other documents are also shown.
- 4.10** In addition to the Local Plan review, other supporting documents to enable the delivery of development and appropriate infrastructure will be progressed. A review of the CIL Charging Schedule, which was previously proposed to commence after the adoption of the Local Plan has started and will be progressed ahead of the revised Local Plan.

## **5 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 Publish the Local Development Scheme** – This will ensure that the statutory requirement under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) to have an up-to-date LDS is met. It is also needed to update the residents and partners of the process in respect of producing development plan documents and to inform them of when they will be consulted as part of the Plan Making process.
- 5.2 Do not publish a Local Development Scheme** – The statutory requirement under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) to prepare a timetable would not be met. Residents and partners in the process will be unaware of the progress of Local Development Framework documents and in particular the consultations. Should the Council wish to submit the Local Plan for examination it would not be found legally compliant by the examining Planning Inspector if an approved LDS had not been followed.

## **6 CONSULTATION**

- 6.1** There is no requirement to consult on the LDS, but it does set out when consultation will take place on Local Development Framework Documents.

## **7. CONTRIBUTION TO COUNCIL PRIORITIES**

- 7.1** The LDS is a project management document that sets out how the Council will maintain an up-to-date Development Plan. The Local Development Framework documents contribute to a number of objectives but most closely aligns to Outcome 4: Croydon is a cleaner, safer and healthier place, a borough we are proud to call home, sets out that the Local Plan will be reviewed. This document sets out the timetable for achieving this outcome.

## **8. IMPLICATIONS**

### **8.1 FINANCIAL IMPLICATIONS**

- 8.1.1** The project is funded from Spatial Planning's service budget as approved as part of the 23/24 budget setting.

#### **8.1.2 Revenue and Capital consequences of report recommendation**

There are no cost implications of approving the Local Development Scheme as this is the programme to deliver the revised Local Plan and other Local Development Framework documents. The cost shown below are from the Local Plan Review Earmarked Reserve from which the completion of the LDS will be funded.

	Current Year	Medium Term Financial Strategy – 3-year forecast		
	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26
<b>Revenue Budget Available</b>				
Expenditure Income	0			
<b>Effect of decision from report</b>				
Expenditure Income	0			
<b>Remaining Budget</b>	0			
<b>Capital Budget available</b>				
Expenditure Income				
<b>Effect of decision from report</b>				
Expenditure Income				
<b>Remaining Budget</b>				

**8.1.3** Comments approved by Darrell Jones Acting Head of Finance Sustainable Communities, Regeneration and Economic Recovery Department on behalf of the Director of Finance. 24<sup>th</sup> February 2023.

## **8.2 LEGAL IMPLICATIONS**

**8.2.1** The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 requires local authorities to prepare and maintain a duly published Local Development Scheme (LDS). The LDS provides the public, interested parties and organisations with the Council's project plan for the preparation of Local Development Documents. The Council's adherence to the LDS is part of the legal compliance check applied to Local Plans at their examinations. Therefore, the updated Local Development Scheme with a timetable that can be resourced and key milestones that can be achieved is helpful to ensure that the Council successfully avoids unnecessary costs and legal challenges in this process.

**8.2.2** Comments approved by Samra Yunus, Corporate Solicitor on behalf Stephen Lawrence-Orumwense, the Director of Legal Services and Monitoring Officer. (Date 22/2/2023)

### **8.3 EQUALITIES IMPLICATIONS**

**8.3.1** The Council has a statutory duty to comply with the provisions set out in the Section 149 Equality Act 2010. The Council must therefore have due regard to:

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**8.3.2** The publication of the Local Development Scheme timetable does not have any equalities impact in itself, however the documents proposed to be delivered will where necessary have Equalities Impact Assessments undertaken. The amendment to the timetable will ensure that effective timely and appropriately resourced considerations, including Equalities are considered in this updated timetable. Therefore, there are no equalities implications as a direct result of this report.

Approved by: Denise McCausland Equalities Programme Manager 28 February 2023

## **9. APPENDICES**

**9.1** Local Development Scheme

## **10. BACKGROUND DOCUMENTS**

Local Government Act 1972

National Planning Policy Framework 2019

Planning and Compulsory Purchase Act 2004

[Local Plan Programme web page](#)