



05/18

Delegated decision report

DECISION UNDER DELEGATED POWERS

DECISION MUS BE TAKEN BEFORE 31 MAY 2018

Title **UPDATED LOCAL DEVELOPMENT SCHEME**

Report of **CABINET MEMBER FOR PLANNING AND HOUSING**

EXECUTIVE SUMMARY

1. The purpose of this report is to agree the latest version of the local development scheme, which sets out the updated timetable for the production of the new Island Planning Strategy.

BACKGROUND

2. The Planning and Compulsory Purchase Act 2004 requires local authorities to produce a local development scheme (LDS). The LDS sets out the Isle of Wight Council's project timetable for preparing its key planning documents. The current LDS is available on the council's website at www.iwight.com/lds.
3. Following difficulties in procuring a key evidence base document the Isle of Wight Council's corporate leadership team agreed to review the timetable for delivery of the draft plan, allowing more time to develop the infrastructure evidence base. This will help to mitigate the risk of the plan being found unsound. The LDS now needs to be updated to reflect the latest timetable for undertaking work on the Island Planning Strategy.
4. Agreeing the LDS will provide a level of certainty to residents, businesses, developers and investors over the intended timetable for the planning documents the council will be producing. The agreed version of the LDS will be made available on the council's website.

STRATEGIC CONTEXT

5. The LDS is the timetable for the production of the Island Planning Strategy, which will set out the council's strategic and detailed planning policies. These policies will contribute to delivering a number of council priorities (as set out in

the Corporate Plan). It will also be a key document in delivering the council's Regeneration Strategy.

CONSULTATION

6. The LDS is a project timetable and there is no requirement to consult on its preparation. Significant public consultation will be undertaken on the emerging Island Planning Strategy itself, and this will be linked to consultation associated with the emerging Regeneration Strategy.
7. In accordance with the governance arrangements in place for the delivery of the Island Planning Strategy, the need to revise the timetable was raised to the project board. This in turn was escalated for discussion with the leader of the council and the portfolio holder. Following this discussion, the issue was discussed and agreed at the corporate leadership team.

FINANCIAL / BUDGET IMPLICATIONS

8. There are no direct financial implications of agreeing the LDS.

LEGAL IMPLICATIONS

9. The content and procedural aspects of an LDS are governed by the Planning and Compulsory Purchase Act 2004 (as amended by section 111 of the Localism Act 2011).
10. In accordance with the relevant legislation the local planning authority is under a duty to prepare and maintain their LDS, which includes an obligation to revise at such time as they consider appropriate.
11. To bring the LDS into force the council must resolve to adopt it and the date from the LDS is to have effect (Section 15(7) Planning and Compulsory Purchase Act 2004).

EQUALITY AND DIVERSITY

12. The council, as a public body, is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
13. The updated LDS, as a project timetable, does not require an equalities impact assessment. However, it is worth noting that the local plan documents that it timetables will be subject to such an assessment.

PROPERTY IMPLICATIONS

14. There will be no direct property implications from updating the LDS, although the planning documents it timetables may have implications for the council as a landowner and when undertaking its various functions.

OPTIONS

15. The options are set out as follows:
 1. To agree the updated LDS and bring it into effect on 31 May 2018.
 2. To agree an alternative LDS and bring it into effect on 31 May 2018.
 3. Not agree the updated LDS as proposed.
 4. To authorise the head of place to make minor editorial amendments to the proposed LDS, in consultation with the Cabinet member for planning and housing, should they be required.

RISK MANAGEMENT

16. Continuing with an out-of-date LDS is unlikely to comply with legislation, and could provide grounds for challenge during the Island Planning Strategy process. Furthermore, it increases the reputational risk to the council of continuing to have an out-of-date document publicly available. Officers consider that the updated LDS has followed the requirements highlighted in the Legal Implications section of this report.

EVALUATION

17. Options a) and d) will ensure that the council has a realistic and up-to-date project programme for the Island Planning Strategy.

RECOMMENDATION

18. To agree the updated LDS and bring it into effect on 31 May 2018.
19. To authorise the head of place to make minor editorial amendments to the proposed LDS, in consultation with the Cabinet member for planning and housing, should they be required.

APPENDICES ATTACHED

20. Appendix 1 – [updated local development scheme.](#)

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WENDY PERERA
Head of Place

COUNCILLOR BARRY ABRAHAM
Cabinet Member for Planning and Housing

Decision

Signed

Date
