



Malvern Hills District Council Local Development Scheme (LDS) 2020-2023

September 2020 Update

Produced jointly with the
South Worcestershire Councils

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1. What is the Local Development Scheme?

- 1.1 The Local Development Scheme (LDS) is a project management document which sets out the Council's priorities for preparing planning policy documents over the next three years. It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended) that each Local Planning Authority should produce an LDS, which must include any Development Plan Documents it intends to prepare and a timetable indicating the main milestones of production. The 2004 Act also sets out a number of other requirements to be included in the LDS.
- 1.2 Since October 2010, Malvern Hills District Council has been working with Worcester City Council and Wychavon District Council to produce the joint South Worcestershire Development Plan (SWDP), which was adopted in February 2016. Joint working on this strategic planning document has brought together many other work streams and has also created the need for further joint working in the future. The three South Worcestershire Councils (SWCs) are therefore continuing to combine resources on many planning policy matters, and have worked collaboratively to prepare the shared elements of this LDS.
- 1.3 Paragraph 33 of the National Planning Policy Framework (NPPF) states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.¹ Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy.
- 1.4 Accordingly, the South Worcestershire Councils(SWC) commenced a review of the SWDP in late 2017. Whilst good progress on the review has been made, the production of the SWDP has been substantially impacted by the Covid-19 pandemic. The intention of this LDS update therefore is:
 - to set out the updated timetable for the SWDP Review;
 - to report on the progress made since the publication of the current LDS; and
 - to set out the updated timetable for the Travellers and Travelling Showpeople Site Allocations Development Plan Document.
- 1.5 The LDS can be viewed online on the Planning Policy pages of the Malvern Hills District Council website [here](#).
- 1.6 Hard copies are also normally available to view at The Council House and local libraries. However, due to Covid-19 related restrictions, the LDS is currently only available online.

If you have any questions about the LDS or how to access it, please contact us by:

¹ Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

Email: planningpolicy@wychavon.gov.uk

Tel: 01386 565555 and ask for the Planning Policy team

2. Progress to date

Progress since publication of the October 2019 Local Development Scheme

South Worcestershire Development Plan (SWDP)

- 2.1 The SWDP was adopted in February 2016. A review of the SWDP commenced in late 2017 to ensure that the SWC continue to have an up-to-date Local Plan. An 'Issues and Options' consultation was undertaken during November and December 2018.
- 2.2 This was followed by a 'Preferred Options' consultation in November and December 2019. Good progress was made working towards the 'Publication' version of the SWDP Review before being impacted by the Covid-19 Pandemic.

Proposed Changes to the Planning System

- 2.3 It should be noted that the Government has recently published (August 2020) a number of consultations relating to the planning system. At the forefront is the 'Planning for the Future' White Paper, which sets out the government's proposals for reforming the planning system. Coupled with this, a technical consultation titled 'Changes to the current planning system' proposes a number of changes to planning policy and regulations.
- 2.4 It is difficult to predict when the various parts of the white paper will be enacted and what form they will take after the Government has reviewed the responses to the consultation. However, it is clear that the Government is committed to their target of building 300,000 new homes every year. Therefore, it is likely that some of the proposed changes could be enacted sooner than others, in particular the new standard methodology for calculating housing requirements. If this happens there may be implications for the review of the SWDP and consequently the timetable.
- 2.5 Therefore, the timetable reflects our aim to submit the revised SWDP to the SoS under the current planning system as this is the system within which the plan has been prepared.

Minerals and Waste Planning

- 2.6 This is carried out by Worcestershire County Council (WCC). The Worcestershire Waste Core Strategy Development Plan Document was adopted November 2012.
- 2.7 Worcestershire County Council is currently preparing a new Minerals Local Plan for Worcestershire. The document will guide how much and what minerals the County needs to be able to supply, where minerals should be extracted and how sites should be "restored" when minerals working has

finished. Once adopted, the Minerals Local Plan will be used to make decisions about planning applications for mineral extraction, processing and restoration in the County.

- 2.8 In January 2018 the County Council undertook a further “call for minerals sites”. The fourth stage consultation took place from 17th December 2018 until 15th February 2019. The publication / pre submission consultation on the plan commenced on 19th August 2019 and closed on 30th September 2019.
- 2.9 The [Publication Version of the Minerals Local Plan](#) was submitted to the Secretary of State for Housing, Community and Local Government on 17 December 2019 for independent examination. Local Plan Hearings for the Worcestershire Minerals Local Plan were due to take place on 5-7 May 2020 and then on 2-4 June 2020 if required. Due to the Coronavirus Pandemic, these hearing sessions have been postponed.
- 2.10 A separate Minerals and Waste Local Development Scheme has been produced by Worcestershire County Council and is available on its website (www.worcestershire.gov.uk/lds).

Neighbourhood Plans

- 2.11 At the time of reviewing the Local Development Scheme, the following status applied across the south Worcestershire plan area (data correct 31/07/2020):

Council	Neighbourhood Areas Designated	Neighbourhood Plans which have been through Pre-submission consultation	Submitted Neighbourhood Plans	Adopted Neighbourhood Plans
Malvern Hills	17	3	0	6
Worcester City	1	0	0	0
Wychavon	21	0	2	8

Supplementary Planning Documents (SPDs)

- 2.12 No SPDs have been progressed since the October 2019 LDS was published.

Current Development Plan for Malvern Hills District

- 2.13 The Council’s existing Development Plan currently comprises of:
- The South Worcestershire Development Plan (SWDP)
 - The Worcestershire Waste Core Strategy Development Plan Document (adopted 2012)

- Saved Policies from the Hereford and Worcester Minerals Local Plan (adopted 1997)
- Adopted Neighbourhood Plans

These are the documents which provide the planning policies that planning applications should be determined against (unless material considerations indicate otherwise) at the time of reviewing this LDS.

Existing local planning policy framework

2.14 The wider planning policy framework for Malvern Hills District consists of the following Supplementary Planning Documents:

-
- Affordable Housing – October 2016
- Planning for Health – September 2017
- Design Guide - March 2018
- Revised Developer Contributions – July 2018
- Water Management and Flooding – July 2018
- Renewable and Low Carbon Energy – July 2018

3. Development Plan Documents

- 3.1 For Malvern Hills District Council, the Development Plan Documents to be produced over the next three years are:
- The South Worcestershire Development Plan Review (Jointly with Worcester City and Wychavon District councils)
 - The Travellers and Travelling Showpeople Site Allocations DPD (Jointly with Worcester City and Wychavon District councils)
- 3.2 The following section sets out the content of, and timetable for, producing the above documents. All references to Regulations in this section refer to [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#).

3a South Worcestershire Development Plan Review

Overview	
Role and content	The plan will update the existing SWDP, reviewing the development requirements, policies and site allocations and extending the Plan period to 2041.
Status	Development Plan Document
Geographical coverage	The plan covers the administrative areas of Worcester City, Wychavon and Malvern Hills councils.
Jointly produced	YES. The SWDP was jointly produced by Worcester City Council, Wychavon District Council and Malvern Hills District Council collectively known, for plan making purposes, as the South Worcestershire Councils.
Chain of conformity	National Planning Policy Framework, the National Planning Practice Guidance, Planning policy for Traveller sites, case law and planning legislation.

Milestones (Completed Stages are shown in BLUE)	
Evidence Gathering	Commenced in late 2017
Issues and Options (Regulation 18 (i))	November/December 2018
Preferred Options (Regulation 18 (ii))	November/December 2019
Further Preferred Options Consultation (Regulation 18 (iii))	March 2021
Publication (Regulation 19)	October/November 2021
Submission (Regulation 22)	February/March 2022
Independent Examination (Regulation 24)	May 2022 to January 2023
Receipt of Inspector's Report (Regulation 25)	March 2023
Adoption (Regulation 26)	April 2023

3b. Travellers and Travelling Showpeople Site Allocations DPD

Overview	
Role and content	The Travellers and Travelling Showpeople Site Allocations DPD will set out the updated requirement for the number of sites and pitches to be provided to meet the needs of Travellers and Travelling Showpeople in the area over the coming years. It will then allocate sites or extensions to existing sites to meet this requirement
Status	Development Plan Document
Geographical coverage	The plan covers the administrative areas of Worcester City, Wychavon and Malvern Hills councils.
Jointly produced	YES. The Travellers and Travelling Showpeople Site Allocations DPD is being jointly produced by Worcester City Council, Wychavon District Council and Malvern Hills District Council collectively known as the SWC.
Chain of conformity	Planning policy for traveller sites, case law and planning legislation.

Timetable (Completed Stages are shown in BLUE)	
Commencement	September 2014
Preferred Options (Regulation 18)	May/June 2016 February/March 2018 March/April 2021
Publication (Regulation 19)	Sept/October 2021
Submission (Regulation 22)	April 2022
Independent Examination (Regulation 24)	May to June 2022
Receipt of Inspector's Report (Regulation 25)	June 2022
Adoption (Regulation 26)	July 2022

4 Other important policy documents

- 4.1 These documents are not part of the Development Plan, but it is important to set out the likely content and timetable so that interested parties are made aware at the earliest opportunity of forthcoming consultations. These documents are:
- Community Infrastructure Levy (CIL)
 - Statement of Community Involvement (SCI)
- 4.2 The Community Infrastructure Levy (CIL) was adopted in May 2017 and CIL charging commenced in Malvern Hills District on 4th June 2017. There are no immediate plans to review the CIL charging schedule, however, national changes to CIL regulations and any transitional arrangements will need to be routinely monitored and taken into consideration.
- 4.3 The Statement of Community Involvement (SCI) was adopted in 2018. The Neighbourhood Planning Act 2017 introduced new requirements for the SCI and as such it is now a requirement to review the SCI every 5 years. The next review of the SCI is therefore due to take place in 2023.
- 4.4 Recent updates to the 'Plan Making' section of the National Planning Policy Guidance (NPPG) in May and July 2020 recommend that Local Authorities consider reviewing their SCI where policies within it cannot be complied with due to coronavirus so that plan-making can continue. Parts of the SCI will therefore be updated on a temporary basis whilst social distancing measures relating to coronavirus remain in effect. The SCI will revert back to the latest adopted version once measures have been lifted.
- 4.5 There are no longer any regulations governing the production stages of the SCI, but the requirement to prepare one is set out in Section 18 of the [Planning and Compulsory Purchase Act 2004](#) (as amended).

4a. Community Infrastructure Levy (CIL)

Overview	
Role and content	The Community Infrastructure Levy (CIL) sets out a charging schedule of tariffs to be applied to qualifying development in Malvern Hills District. This will allow funding to be secured for infrastructure that is needed as a result of development in the area. The tariff is applied per m ² of net additional residential floorspace. The rate of the tariff has been determined by examining the ability of development to bear the charge without unduly affecting a development's viability.
Status	Non-Development Plan Document
Geographical coverage	The Community Infrastructure Levy covers the Worcester City Council administrative area.
Jointly produced	YES. The Charging Schedule and supporting evidence were prepared on a joint basis and each of the three councils has individually adopted CIL. In Malvern Hills District CIL charging commenced on 4 th June 2017.
Chain of conformity	South Worcestershire Development Plan, Community Infrastructure Levy Regulations, the National Planning Policy Framework, the National Planning Practice Guidance, Part 11 of the 2008 Planning Act and Part 6 of the Localism Act 2011.

Timetable (Completed Stages are shown in BLUE)	
Commencement	May 2012
Consultation on Preliminary Draft Charging Schedule (PDCS) (Regulation 15)	PDCS – prior to housing numbers uplift: September – October 2013 PDCS – Revised to take account of housing numbers uplift: January – February 2015
Publication of Draft Charging Schedule (Regulation 16)	April 2016
Submission (Regulation 19)	July 2016
Independent Examination	August 2016 <i>Hearing sessions – November 2016</i>
Receipt of Examiner's Report (Regulation 23)	January 2017
Adoption (Regulation 25)	May 2017
Levy takes effect (Regulation 28)	4 th September 2017

4b. Statement of Community Involvement (Temporary Amendments)

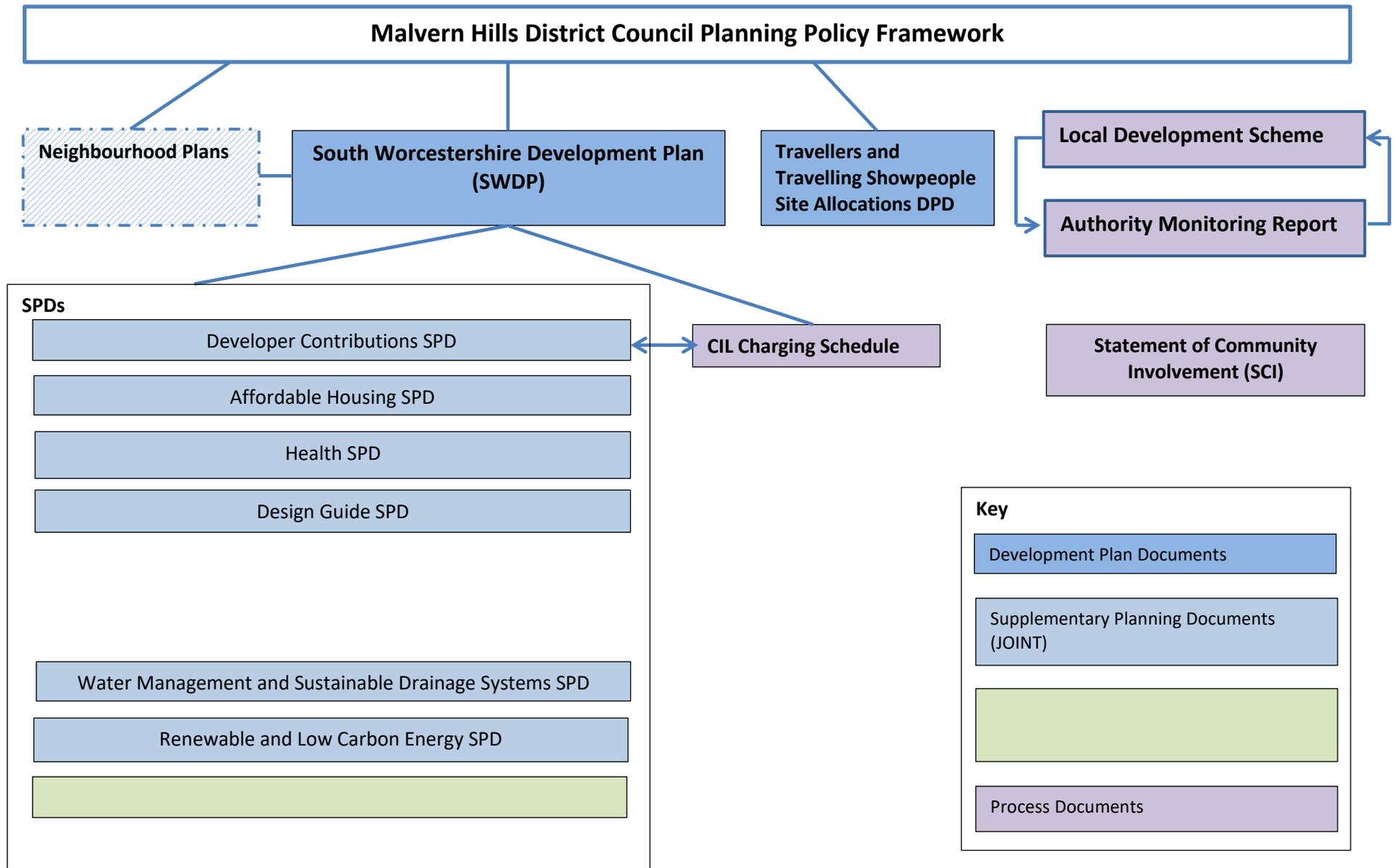
Overview	
Role and content	Malvern Hills District Council's current Statement of Community Involvement (SCI) was adopted in 2018. It sets out how the Council will consult on planning matters including the preparation of planning policy and the determination of planning applications. The Neighbourhood Planning Act included provisions relating to SCIs and as such it is now appropriate to review the document to meet the new requirements. Parts of the SCI will also be updated on a temporary basis whilst social distancing measures relating to coronavirus remain in effect. The SCI will revert back to the latest adopted version once measures have been lifted.
Status	Non-Development Plan Document – Local Development Document
Geographical coverage	The SCI covers the Worcester City Council administrative area. It is consistent with those of Wychavon and Malvern Hills councils.
Jointly produced	The SCI is not a joint document however it has been produced in collaboration with Worcester City Council and Wychavon District Council.
Chain of conformity	Planning and Compulsory Purchase Act 2004 (as amended), Neighbourhood Planning Act 2017 National Planning Policy Framework and case law.

Timetable for Review (Completed Stages are shown in BLUE)	
Commencement	August 2020
Consultation	Not Applicable (temporary changes)
Adoption (on a temporary basis)	September 2020

5. Supplementary Planning Documents

- 5.1 A number of Supplementary Planning Documents (SPD) have been prepared to provide further guidance on the policies within SWDP. These documents are not part of the Development Plan. It is no longer a requirement to detail SPDs and their timetables for preparation within an LDS. However, the list of SPDs in the wider planning policy framework for Malvern Hills District can be viewed on the diagram below and in section 2.11 of this report.

Malvern Hills District Planning Policy Framework Diagram



6. Resources

- 6.1 The work to deliver the planning policy documents within the LDS will be dependent on continued joint working between the three South Worcestershire Councils as this has proven to be a more efficient and effective way of working. The work will be undertaken using existing resources and within existing governance structures in each of the three councils.

7. Risk Assessment

7.1 The Council recognises that there are risks in delivering the documents set out in the LDS. Some of these risks are within the Council's control and some are not. Table 1 identifies the main areas of risk, their impact and the ways to overcome them so that the programme in the LDS can be delivered.

Table 1: Risk Assessment

Area of risk	Likelihood/Impact and Consequence	Mitigation
Adequate staff resources	<ul style="list-style-type: none"> • Unable to complete documents on time and to the required standard • Consequential programme slippage • At the extreme – DPDs and SPDs may be withdrawn e.g. if found unsound or subject to successful legal challenge • Consequential increased risk of inappropriate, speculative planning applications if there is no up-to-date Local Plan 	<ul style="list-style-type: none"> • Joint working with SW Councils and County Council • Ring fence policy teams dedicated to plan production • Employ temporary staff/consultants (subject to resource availability)
Funding pressure on resources	<ul style="list-style-type: none"> • Loss of resources to fund plan making, resulting in programme slippage • Consequential increased risk of inappropriate speculative planning applications if there is no up to date Local Plan 	<ul style="list-style-type: none"> • Protocols agreed by the SW Councils for budgets and shared costs • Provision of schemes to influence budgetary decisions • Monitoring of costs and budget spend/profiles
Council procedures and Corporate commitments	<ul style="list-style-type: none"> • Risk of programme slippage • Consequential increased risk of inappropriate, speculative planning applications if there is no up to date Local Plan • Risk to the Council's reputation 	<ul style="list-style-type: none"> • Leader's meetings to coordinate strategy • Robust programme management • Joint Advisory Panel to advise Councils on plan production • Joint Officer Steering Group to oversee plan production process • Awareness of consultations and Council diaries
Neighbourhood planning	<ul style="list-style-type: none"> • Insufficient staff resource available to meet legal requirements in the 	<ul style="list-style-type: none"> • Maintain contact with Town and Parish Councils to ascertain scale and type of work required from the LPAs

Area of risk	Likelihood/Impact and Consequence	Mitigation
	provision of technical advice and support to Town and Parish Councils <ul style="list-style-type: none"> • Insufficient funding to resource LPA support • Diversion of staff resources from preparation of DPDs and SPDs 	<ul style="list-style-type: none"> • Assess the extent to which neighbourhood plans deliver the LDS • Assessment of neighbourhood plans to influence budgetary decisions • Seek Government funding for resources
Changes to external context	<ul style="list-style-type: none"> • Unable to meet requirements of national policy and guidance • Insufficient flexibility and resilience to meet economic / environmental / social changes 	<ul style="list-style-type: none"> • Monitor policy announcements and consultations • Assess Local Plan/SPD consistency with policy • Use of latest guidance • Monitor future trends, use of Foresight intelligence
Time required for consideration, consultation and decision making	<ul style="list-style-type: none"> • Insufficient time to meet standard lead in times to decision making • Significant level of responses to consultation • Additional scrutiny stage(s) • Programme slippage 	<ul style="list-style-type: none"> • Coordination of Council meeting dates • Project management • Awareness of Council diaries and constitutions and protocols for decision making • Awareness of events such as elections and holidays • Use of delegated decisions route • Efficient/effective handling of responses
Capacity of the Planning Inspectorate and outcomes of their recommendations	<ul style="list-style-type: none"> • PINS unable to meet demand for DPD examination leading to delay in adopting plan 	<ul style="list-style-type: none"> • Provide LDS to PINS as early as possible – to identify DPD production • Regular liaison with PINS • Monitor Inspector’s reports and High Court Challenges and draw up/use lessons learnt
Unforeseen Circumstances (i.e. Covid-19 Pandemic)	<ul style="list-style-type: none"> • Unable to continue with key areas of evidence base development. • Inability to work face to face and attend meetings. • Inability to meet project timetable (programme slippage). 	<ul style="list-style-type: none"> • Utilise video conferencing for meetings. • Produce evidence in house (where possible). • Update/review project timetable.

8. Monitoring and Review

Monitoring

- 8.1 There is a requirement to monitor the implementation of the LDS² and hence progress made in producing Local Plans and SPDs through an Authority Monitoring Report (AMR). AMRs must be produced at least annually, and must cover a period of no more than 12 months. AMRs must cover a continuous period, with no gap in coverage between reports.
- 8.2 In relation to each document included within the LDS, monitoring must be carried out on:
- the timetable included for that specific document;
 - the stage that the document has reached in the production process; and
 - if the document is behind the timetable set out in the LDS, the reasons for this.
- 8.3 An AMR will be produced jointly across South Worcestershire each year and will be made available on the councils' websites as soon as it has been finalised. The AMR will be reported by the Local Planning Authority to the Joint Advisory Panel (or equivalent). As well as progress in plan-making, this will be the opportunity to report on the monitoring indicators in adopted Local Plans to assess policy performance.

Review of the LDS

- 8.4 In response to the yearly monitoring against the LDS, the south Worcestershire councils will work together to review the content of their LDSs each year to provide real time information of the work programme over a rolling three-year period. Anticipated delays or actual slippage against the published timetable will be addressed, with realistic revisions to key milestones proposed.
- 8.5 The Local Planning Authority anticipates that the next full review of the LDS will be in 2023. This is subject to the LPA's consideration of any significant changes for example in legislation, national policy or circumstances that impact on plan-making or the delivery of strategy and policy.

² Planning and Compulsory Purchase Act 2004. Part 2 – Local Development. S. 35 (as amended)
Town and Country Planning (Local Planning) (England) Regulations 2012 – Regulation 34 Authorities' Monitoring Reports

Appendix A

South Worcestershire Local Development Scheme: Project Plan: 2020-2023 (Revised September 2020)

	2020												2021												2022												2023					
	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	J	F	M	A		
Local Development Scheme											R												R												R							
Authority Monitoring Report								1	1	2	13										1	1	2	13											1	1	2	13				
SWDP Review	4	4	4	5	5	5	5	5	5	5	5	5	5	3	3	4	4	5	5	5	6	6	7	7	7	7	8		9	9	9	9	9	9	9	9	9			12	13	
Traveller and Travelling Showpeople Site Allocations DPD								2	2	2	2	2	2	3	3	4	5	5	5	6	6	7	7	7			8	9	12	13												

Key - DPDs and SPDs

1	Preparatory work including compiling evidence base –including early engagement (issues and options) consultation for DPDs	6	Publication of Proposed Submission document for representations (Regulation 19 For DPDs)	11	Inspector considers consultation responses (May not be required. Dependent on outcome of Examination).
2	Preparation of draft document	7	Analysis of representations	12	Receipt of Inspector’s report (Regulation 25 for DPDs)
3	Public Consultation (Regulation 13 for SPDs), (Regulation 18 for DPDs)	8	Submission to Secretary of State (Regulation 22 for DPDs)	13	Adoption/Completion/Judicial Review Period (Regulation 14 for SPDs), (Regulation 26 for DPDs)
4	Consideration of representations	9	Independent Examination (Regulation 24 for DPDs)		
5	Preparation of final document (for SPDs) Preparation of Proposed Submission document (for DPDs)	10	Consultation on Main Modifications (May not be required. Dependent on outcome of Examination).	R	Review

Regulation references relate to [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)