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## **Proposed Revision to Local Development Scheme**

To: **Cabinet – 22<sup>nd</sup> January 2013**

Main Portfolio Area: Community Services

By: Simon Thomas, Planning Manager

Classification: **Unrestricted**

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**Summary:** This report proposes changes to the Local Development Scheme (LDS). These include updating the form and content of planning policy documents proposed to be prepared, with associated amendments to the work programme and milestone dates. The report recommends that a revised LDS be brought into effect to accommodate these changes.

### **For Decision**

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#### **1.0 Introduction and Background**

- 1.1 Government guidance stresses the central importance of the plan-led system in the form of Local Plans, to provide the framework for guiding determination of planning applications in order to manage development effectively.
- 1.2 Government's planning system requires us to prepare and maintain a Local Development Scheme (LDS) setting out our programme for preparing the documents that will make up Local Planning Policy for Thanet. The Council's first LDS was published January 2005, and revised versions were brought into effect in February 2006, April 2007, February 2009, and May 2012. This proposed revision to the LDS focuses on preparing a new single Local Plan looking to 2031, and Supplementary Planning Documents, collectively known as Local Development Documents which will be produced as considered necessary.

#### **2.0 Proposed Revision to Local Development Scheme (LDS)**

- 2.1 The Local Development Scheme (LDS) is a public statement of the Council's programme for production of Local Development Documents (LDDs) that will form Thanet's Local Planning Policy. The LDS needs to set out a realistic and achievable work programme. This report proposes changes to the current LDS and recommends that a Revised LDS be brought into effect.
- 2.2 The current LDS was brought into effect in May 2012 following consideration by Cabinet on 10<sup>th</sup> May 2012. It sets out a timetable for each of the Local Planning Policy documents in preparation, including milestones for key dates leading to adoption, and covers the period to May 2012.
- 2.3 The planning system requires local planning authorities to prepare and maintain a LDS including the timetable for preparation and revision of the relevant LDDs. Unless otherwise directed, a local authority is to revise its LDS at such time it considers appropriate.

2.4 It is considered that revisions are needed to the current LDS in order to: -

- Update the number, form and content of Local Development Documents that are proposed to be prepared.
- Adjust the target dates and key milestones in order to accommodate this

#### Progress in 2012

2.5 Since the adoption of the current LDS in 2012 work has continued mainly in evidence collection. One element of this has been work to identify housing numbers for the district. The proposed revocation of the South East Plan through the Localism Act 2011 means that determining housing numbers now falls at a local level, rather than regionally through the Regional Spatial Strategies. Throughout 2012, the Council has been working with Kent County Council to develop potential options for housing numbers over the period 2011-2031. In relation to this there has been the need to commission economic projections, which needed to be informed by the Council's draft economic strategy. This work has taken longer than was envisaged at the time of the current LDS, and is the main reason why the milestones in the current LDS have not been met.

2.6 Other evidence that has been completed in 2012 or is currently in progress includes:

- Economic Viability
- Transport Modelling
- Strategic Housing Land Availability Assessment Update
- Settlement Hierarchy
- Strategic Housing Market Assessment Review
- Town Centre Needs Assessment
- Economic and Employment Assessment and Employment Land Review Update
- Natural Environment Background Paper
- Landscape Character Assessment Update
- Water Cycle paper
- Village Audits

2.7 Informal consultation has taken place, including meetings with all town and parish council's, and attendance at Business Groups meetings.

2.8 Cabinet Advisory Group workshops have also taken place, covering the issues of vision and objectives, housing and the economy.

#### Amending the Local Development Documents in the LDS

2.9 Following the adoption of the current LDS in May 2012, to ensure accordance with the requirements of the NPPF to produce a Local Plan, with additional development plan documents only being used where clearly justified, a review of the form of the Local Planning Policy documents proposed to be prepared has been carried out.

2.10 It is considered that there are the following benefits to producing a single Local Plan, rather than separate Core Strategy and Site Allocations DPD:

- accords with requirements of the National Planning Policy Framework
- single examination and associated cost saving
- shorter overall timescale
- ensures a 5 year housing land supply from date of adoption, reducing the risk of potential housing development in unsuitable locations.

2.11 In order to accommodate this change, I consider the LDS revision needs to include the following amendment:

**Thanet Local Plan** – to replace the Local Plan Core Strategy and Local Plan Site Allocations DPDs with a single Local Plan DPD. It is proposed that the Thanet Local Plan will be the Council's single and overarching planning policy document, which will cover the whole of the District, for a minimum 15 year period to 2031. The document will include a district wide vision and strategic objectives. It will identify land that is to be allocated or safeguarded for particular uses and developments in order to deliver the vision, as well as containing development management policies. The document will cover the subject areas of Housing, Economy, Town Centres, Environment and Quality of Life, including Green Infrastructure, Climate Change and Design Quality, as well as issues of Transport and Infrastructure.

#### Amending Milestones in the Current LDS

- 2.12 The current LDS timetable was prepared in light of best information available at that time and in the context of producing separate Core Strategy and Site Allocations Documents. In the light of the proposed change to a single Local Plan document, the timetable and milestones need to be amended to accommodate this.
- 2.13 The timetable proposed has been informed by legal advice which has been sought regarding the proposed consultation and Sustainability Appraisal processes, and how best to utilise the previous Core Strategy consultations that have taken place, to ensure that the Council meets the statutory requirements for plan making.
- 2.14 Current work includes finalising the evidence base and background documents and re-scoping the sustainability appraisal. Following this it is proposed that two formal public consultations will take place, prior to the pre-submission consultation. The first will be a high level 'options' consultation, which will deal with strategic issues, for example overall levels of development, and broad principles for the location of development, as well as generic policies. The second consultation will be informed by the first consultation and deal with land allocations, and other policies which are affected by the strategic issues. Both stages will set out the options which the Council consider are the reasonable options and where appropriate, a preferred option.
- 2.15 Legal advice confirmed that the two stage consultation is the only reasonable option for the consultation process, stating:

*'This approach has the advantage of genuinely facilitating the front end loading of a Local Plan but without pre-determining issues before the consultation has begun. The risk of moving from a high level options consultation straight to a pre-submission draft Local Plan is that there is considerable scope for consultees to raise new points very late in the plan making progress. This frequently requires Councils to advance proposed changes (of varying) significance to ensure soundness which in turn require consultation for which the Regulations in fact make no formal provision.*

*For the same reason, it would be inappropriate to combine stages 1 and 2 of the consultation. That course risks creating at best a consultation deficit and at worst a very confusing consultation process. To consult on site allocations before there has been any consultation on the revised strategy to 2031 reduces the effectiveness of the consultation process and increases the risk that consultees will raise issues which require significant or perhaps radical re-thinking.'*

- 2.16 The revised timetable is featured at Annex 1 to this report, and indicates the following key milestones and timetabling dates for the Local Plan DPD:

- SA/SEA Scoping	Current
- Stage 1 Public Consultation	June 2013
- Stage 2 Public Consultation	January 2014 (subject to Cabinet and Council meeting timetables being arranged for December 2013)
- Publication and Pre-submission consultation	July 2014

- Submission to SoS
- Examination
- Adoption

November 2014  
January 2015  
Spring/Summer 2015

- 2.17 There is significant work that needs to take place prior to the Stage 1 consultation. This includes identifying all strategic options and generic policy options, re-scoping the Sustainability Appraisal, which involves a consultation with statutory consultees, followed by testing of all options against the objectives, and refining the options. This is alongside preparing the consultation document, continued targeted consultation with key stakeholders, and finalising all of the evidence and background documents, including a number of topic papers, which will be used to justify and inform the options proposed. It is envisaged that the draft consultation document will be prepared for April 2013, to enable a Cabinet meeting in May 2013.
- 2.18 Subject to Cabinet agreeing the document for consultation, all material will be prepared for the consultation, and public consultation will take place during June and July 2013. Following the consultation, a review of all comments received will take place, and will be used to inform the next stage of the process. At this stage preferred options will be considered and options will be generated in relation to site allocations and other detailed matters. The draft Local Plan document will be written as well as preparing the consultation documentation, updating and finalising evidence and background documents. It is envisaged that the draft document will be ready by the end of November 2013, with Cabinet and Council meetings to follow.
- 2.19 The proposed amendment to the production timetable for the Local Plan DPD has knock-on effects for milestones proposed for the supplementary planning documents. The LDS has been updated to reflect this, and the proposed revised timetable is best estimate at the current time.

#### Proposed amendments

- 2.20 The chart summarising the proposed list of documents and their preparation timetable is featured as annex 1 to this report. A copy of the draft revised LDS is available in the Members' Room or on request from the Strategic Planning team.

### **3.0 Options**

#### 3.1 Regarding the LDS:

- (i) Resolve to bring the revised LDS into effect and that it should come into effect at the date indicated in the recommendation
- or
- (ii) Resolve to bring the revised LDS into effect and that it should come into effect on another date,
- or
- (iii) Resolve that the LDS should be brought into effect subject to amendments to its content.
- or
- (iv) Resolve not to bring the LDS into effect

### **4.0 Corporate Implications**

#### **4.1 Financial and VAT**

- 4.1.1 This report recommends that a Revised Local Development Scheme be brought into effect. The LDS as proposed for revision sets out a revised programme of work, including a timetable for preparing relevant documents and acknowledges the need to gather additional evidence to support those documents. It is envisaged that the programme of

work can be absorbed within current budgeting procedures for preparation of the Local Plan and that this report does not give rise to specific additional financial implications.

## **4.2 Legal**

4.2.1 The Planning and Compulsory Purchase Act 2004 states that a local planning authority must prepare and maintain a scheme to be known as their Local Development Scheme. This must specify the relevant Local Development Documents (which are to be Development Plan Documents) their subject matter and area of coverage and their timetable for preparation and revision. While the Council is no longer required to submit the Scheme to the Secretary of State, it must publish up to date information on its progress in preparing DPD's against the LDS.

## **4.3 Corporate**

4.3.1 The Local plan will represent the council's overarching plan for shaping future development of the District over the period up to 2031. It contains a vision and sets out the issues and opportunities facing the district and takes account of the plans and resources of a wide range of agencies and organisations who will participate in its delivery. The documents that make up the plans will set out the objectives and policies against which all new development in Thanet will be considered.

## **4.4 Equity and Equalities**

4.4.1 The Statement of Community Involvement sets out the way in which all sectors of the community will be given the opportunity to become involved in the planning process.

4.4.2 The 2009 Preferred Options document that incorporated an illustrative Core Strategy, set out the priority aims of the Council which are, amongst other things, to reduce social deprivation suffered in part of the District and build a mixed and better educated healthy and confident community as well as to deliver a range of homes accessible to and suited to the needs and aspirations of a more settled and confident community along with improving earning power and employability within the local population.

4.4.3 The Preferred Options 2009 document was the subject of an Equalities Impact Assessment, and the future Local Plan will be subject to Equalities Impact Assessments.

## **5.0 Recommendation(s)**

5.1 That Cabinet resolves to bring the revised Local Development Scheme into effect on 22 January 2013 (or if necessary as soon as possible thereafter).

## **6.0 Decision Making Process**

6.1 This is a key decision as it relates to planning policy for the whole district. The decision is subject to call in.

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## ***Annex List***

Annex 1	Draft Local Development Scheme
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## Background Papers

Title	Where to Access Document
National Planning Policy Framework (Communities and Local Government, March 2012)	
The Town and Country Planning (Local Planning)(England) Regulations 2012	

## Corporate Consultation Undertaken

Finance	Sarah Martin, Financial Services Manager
Legal	Gary Gordes, Legal Services Manager
Communications	Hannah Thorpe, Corporate Information Officer