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## **Proposed Revisions to Local Development Scheme (Local Plan work programme)**

To: **Cabinet – 10<sup>th</sup> September 2015**

Main Portfolio Area: Community Services

By: Adrian Verrall, Strategic Planning Manager

Classification: **Unrestricted**

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**Summary:** This report proposes changes to the Local Development Scheme (LDS), to update the work programme. 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 Planning regulations require 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 have been brought into effect since that time. This proposed revision to the LDS focuses on setting a realistic timescale for preparing the next stages of the draft Local Plan for Examination and amending the range of documents to be prepared, as set out in this report.
- 1.3 The Council can only prepare the documents listed in the Local Development Scheme.

#### **2.0 Proposed Revisions 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 framework. 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 February 2013 following consideration by Cabinet in January 2013.
- 2.3 Planning legislation 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. The current LDS has not been reviewed since it came into force in February 2013.
- 2.4 It is considered that revisions are needed to the current LDS in order to: -
  - Amend the number, form and content of Local Development Documents that are proposed to be prepared

- Adjust the target dates and key milestones for the documents

### Progress since February 2013

- 2.5 Since the adoption of the current LDS in February 2013, significant progress has been made on Local Plan work. In June 2013, a draft Issues & Options Local Plan document was published for consultation for 6 weeks. The comments made at the Issues & Options stage were considered, and the evidence base was updated.
- 2.6 In January 2015, the Preferred Options stage of the Local Plan was published for consultation for a period of 8 weeks.
- 2.7 Other evidence that has been completed since 2013 or is currently in progress includes:
- Finalising a draft Sustainability Appraisal/Strategic Environmental Appraisal/Habitat Regulations Assessment
  - Development of a draft Infrastructure Delivery Plan (IDP)
  - Economic Viability assessment of the draft Local Plan/Infrastructure Delivery Plan
  - Transport Modelling and development of a draft Transport Strategy
  - Strategic Housing Land Availability Assessment Update
  - Strategic Housing Market Assessment Review and review of housing requirement

### Amending the Local Development Documents in the LDS

- 2.8 Following the adoption of the current LDS in February 2013, and with the subsequent completion of two stages of Local Plan preparation, it is appropriate to review the range of documents to be prepared.
- 2.9 Firstly, while the Quality of Development SPD is a desirable objective, it is not a priority for the moment, given the level and scope of work to be undertaken for the draft Local Plan. Members will also be aware that the Council has adopted “Kent Design” to inform new development proposals. It is therefore proposed that the Quality Development SPD be set aside until the new Local Plan is adopted, when a decision can be taken on whether to pursue an SPD on this topic.
- 2.10 As part of the Local Plan process, it is the intention to take forward a draft Community Infrastructure Levy (CIL), running just behind the draft Local Plan and draft Infrastructure Delivery Plan (IDP). The preparation and adoption of a CIL charging schedule, and the adoption of Planning Obligations requirements through the Local Plan and infrastructure planning process will effectively remove the need to progress a separate Development Contributions SPD.
- 2.11 In the adopted Local Plan, Manston Airport is addressed by a number of different policies setting out principles for different parts of the site. The draft Local Plan indicates that an Area Action Plan (AAP) will be prepared for the Manston Airport site. However, it is now the intention to prepare a Masterplan Supplementary Planning Document (SPD), in parallel with the draft Local Plan to support Airport development. The SPD will set out the planning policy position for different areas of the site, defining the mix of uses that might be acceptable, and establishing design and other planning principles.
- 2.12 I would therefore recommend that the LDS revision needs to include the following amendments:
- Update draft Local Plan timetable
  - Include reference to the preparation of a Masterplan SPD for Manston Airport
  - Defer proposed Quality Development SPD until the draft Local Plan has been adopted

- Include preparation of Community Infrastructure Levy (CIL)
- Cancel review of Development Contributions SPD

#### Amending Milestones in the Current LDS

- 2.13 The current LDS timetable was prepared in light of best information available at that time. However, a number of factors indicate that a new timetable should be established for progression of the draft Local Plan and the CIL.
- 2.14 The introduction of the national Planning Practise Guidance (PPG) has provided more detailed guidance in relation to the implementation of the National Planning Policy Framework (NPPF). This is complicated to some degree by the fact the PPG is a web-based resource, which can be updated at very short notice. These updates can create new obligations that affect Local Plan timescales.
- 2.15 The announcement of the closure of Manston Airport delayed the publication of the Preferred Option version of the draft Local Plan by 6 months. It has also been necessary to review the evidence base over the last 12 months, including the Strategic Housing Market Assessment; Sustainability Appraisal and the Local Plan Viability Assessment.
- 2.16 There is significant work that needs to take place prior to the submission of the draft Plan, some of which is currently under way, including the studies mentioned above. It is vital that the draft Plan submitted to the Planning Inspectorate is the Plan that the Council wishes to adopt at the end of the process, and that all the necessary evidence has been gathered, and the relevant engagement and consultation undertaken (including on duty to cooperate matters).
- 2.17 Subject to Members agreeing the document for consultation, all necessary material will be prepared for the consultation, and the pre-Submission public consultation will take place during February and March 2016. Following the consultation, all comments will be sent to the Inspectorate, along with all the other Submission documents, for the Examination.
- 2.18 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.

#### Proposed amendments

- 2.19 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 DPDs 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 2015 Preferred Options Local Plan document sets out the strategic planning priorities of the Council which are to:

- Create additional employment and training opportunities, to strengthen and diversify the local economy and improve local earning power and employability;
- Facilitate the continued regeneration of the coastal town centres, developing their individual niche roles, while also consolidating the role and function of Westwood as Thanet's primary retail centre, ensuring retail expenditure is retained in the district;
- Provide homes that are accessible to, and suited to the needs and aspirations of, a settled and balanced community;
- Safeguard local distinctiveness and promote awareness, responsible enjoyment, protection and enhancement of Thanet's environment, including the coast, countryside, rich seaside heritage, historic environment, diverse townscapes and landscape, biodiversity and water environment; and
- Deliver the infrastructure required to support existing communities and new development, including an efficient and effective transport system.

4.4.3 The Preferred Options Local Plan document 2015 is the subject of an Equalities Impact Assessment.

**5.0 Recommendation(s)**

**5.1 That Cabinet resolves to bring the revised Local Development Scheme into effect on 11 September 2015 (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**

<i>Annex 1</i>	<i>Extracts from draft Local Development Scheme</i>
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**Background Papers**

*National Planning Policy Framework (Communities and Local Government, March 2012)*

*The Town and Country Planning (Local Planning)(England) Regulations 2012*

**Corporate Consultation Undertaken**

Finance	Nicola Walker - Head of Financial Services
Legal	Tim Howes - Head of Legal and Democratic Services
Communications	Hannah Thorpe – Head of Communications