

REVISIONS TO LOCAL DEVELOPMENT SCHEME (LDS) (LOCAL PLAN WORK PROGRAMME)

Cabinet	16 June 2022
Report Author	Adrian Verrall, Strategic Planning Manager
Portfolio Holder	Cllr Ash Ashbee, Leader of the Council
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Reasons for Key	N/A
Previously Considered by	Local Plan & Local Development Scheme Cabinet Advisory Group
Ward:	N/A

Executive Summary:

This report sets out proposed changes to the work programme for updating the adopted Local Plan.

In December 2021, Cabinet agreed a new Local Development Scheme (LDS). The LDS needs to be updated, to reflect changes in circumstances affecting Local Plan progression.

The key elements of the Local Development Scheme (the Local Plan work programme) are set out in this report.

Recommendation(s):

That Cabinet agrees the proposals for the revised Local Development Scheme.

Corporate Implications

Financial and Value for Money

There are no costs directly associated with this report. However, there will be costs associated with the preparation of the new Plan, to be funded through the Local Plan Reserve and operational budgets.

Legal

The requirement to have a Local Development Scheme is set out in section 15 of the Planning and Compulsory Purchase Act 2004, which states:

“15 (1) The local planning authority must prepare and maintain a scheme to be known as their local development scheme.

“The scheme must specify the local development documents which are to be development plan documents; the subject matter and geographical area to which each development plan document relates; the timetable for preparation and revision of documents and; such other matters as are prescribed.”

The publication of a revised LDS is in line with Government guidance and is a statutory requirement. There are no legal implications arising directly from this report.

Risk Management

There are some potential risks with delaying the programme:

1. Impact on 5-year housing land supply and Housing Delivery Test - there will be a delay to addressing any housing land supply issues. If there is a lack of supply or failure to meet the Housing Delivery Test, there could be a further presumption in favour of sustainable development applied. Once the adopted Plan is more than 5 years old (in July 2025), the requirement for the purposes of the HDT resorts to the Government’s “standard method”, not the stepped requirement set out in the adopted Plan;
2. May have to expand the scope of the Plan update if there are significant changes to Government guidance in the meantime; and
3. Risk of Government intervention if the delay is seen as excessive.

There are ways to mitigate these risks - continuing to approve planning applications for housing on Local Plan allocated sites, and policy-compliant schemes on non-allocated sites; ensure that the HDT Action Plan remains up-to-date; keep the scope of the Plan update under review as we move forward; and to take the Plan forward to the next formal stage as the issues identified in the report are resolved.

However, the critical point is that taking the Plan update forward at the moment, in the face of so many uncertainties affecting strategic decisions, is not a credible option.

Corporate

This report relates only to the Local Plan timetable and anticipated work programme, not to any proposed policies or proposals within the Plan.

Equality Act 2010 & Public Sector Equality Duty

This decision does not engage the PSED, as it only relates to the Local Plan timetable and anticipated work programme, not to any proposed policies or proposals within the Plan. No EqIA is required for this report.

Corporate Priorities

This report relates to the following corporate priorities: *Environment*

1.0 Introduction and Background

- 1.1 Every local planning authority has to “prepare and maintain” a work programme for its Local Plan-related work, known as the Local Development Scheme (LDS). This is a requirement under Section 15 of the Planning & Compulsory Purchase Act 2004.
- 1.2 The Local Plan was adopted on 9 July 2020. The review of the Local Plan was completed in December 2020, and work has commenced on the Local Plan Update. A revised LDS was published in December 2021.
- 1.3 This report sets out some amendments to the LDS to revise the timetable for updating the Local Plan, in the light of changing circumstances.
- 1.4 The Local Plan Inspectors' report recommended a new Local Plan review policy SP03. This also committed the Council to a review of the Local Plan:
 - To consider the implications of climate change;
 - To review the provisions of the Plan in relation to Manston Airport in the light of a decision on the Development Consent Order;
 - To assess the implications of the Local Housing Need Methodology on housing requirements for the district;
 - To consider the provision of Gypsy & Traveller sites to meet the requirements set out in Policy HO20; and
 - To ensure compatibility with the most recent National Planning Policy Framework.
- 1.5 The review of the Local Plan undertaken in late 2020 identified a number of other matters to be addressed in the draft Plan.
- 1.6 The revised LDS published in December 2021 pushed the programme back by a few months, and also included some changes to the programme of Supplementary Planning Documents (SPDs) to be produced alongside the Local Plan Update.
- 1.7 It was also hoped that by slightly delaying the programme and including a Reg 18 engagement event, at least some of these issues would have been resolved. However, these issues remain largely unresolved or continuing, as set out below.

2.0 The Current Situation

- 2.1 There are several outstanding issues relevant to the progression of the Local Plan update.
- 2.2 As referenced above, the Local Plan Inspectors' report identified the future of Manston Airport as a matter for the Local Plan update, to take into account the decision on the Development Consent Order. However, a final decision on the DCO is still awaited. This is important because the decision not only affects the Airport itself, but other sites around it, depending on the outcome. It is also critical to the key decisions about the overall Local Plan strategy. Whatever the decision is, there will be policy implications that need to be addressed.

- 2.3 The Inspectors' report also identified the need for a review of the local housing need figures under the Government's "standard method". The Council consulted on the results of this work as part of Reg 18 engagement. However, the Government is currently reviewing the "standard method", and as yet, no announcement has been made regarding any detailed changes to be made to the methodology.
- 2.4 Government guidance and regulations on climate change and biodiversity are still emerging, and will continue to do so over the next few months.
- 2.5 A new Levelling Up & Regeneration Bill was announced in the recent Queen's Speech. While a lot of the detail has yet to emerge, it is clear that this will result in some significant changes to the way local plans are produced, including some additional duties as part of that process. Detailed announcements in this regard are expected over the next few months.
- 2.6 It is also expected that new Government guidance will address the relationship between the levelling-up agenda, the planning process and housing requirements.
- 2.7 Members will be aware that at the end of 2021, a second call for sites was launched as part of the Reg 18 engagement. This has yielded some additional sites that can be considered. However, no sites have been proposed by landowners (through the calls for sites) for Gypsy & Traveller site accommodation. This means that the Council will need to pursue other lines of enquiry to ensure that it can meet the identified need for Gypsy and Traveller accommodation in the Local Plan Update.
- 2.8 For the above reasons, it is considered that producing a Reg 18 draft Plan by this autumn is no longer feasible, as there are now too many uncertainties which affect the strategy and content of the draft Plan, and the context for making decisions about site allocations in the Plan. It is therefore proposed that the programme should be revised to allow time for these key issues to be resolved.

Amendments to the timetable

- 2.9 It is therefore proposed that the following revisions are made to the LDS:

LP stage	LDS (Dec 2021)	Proposed
Reg 18 consultation	Nov 2022	Sept 2023
Reg 19 publication	Sept 2023	Sept 2024
Submission (Reg 22)	Nov 2023	Jan 2025
Examination (anticipated)	Nov 2023 - Nov 2024	Feb 2025 - Feb 2025
Inspector's Report (anticipated)	November 2024	March 2026
Adoption (anticipated)	Feb 2025	May 2026

- 2.10 This does not mean that work on the Local Plan Update will cease in the meantime. On the contrary, there is a significant amount of work that will continue, such as:
- Assessment of site submissions;
 - Testing of reasonable strategy and policy alternatives through the Sustainability Appraisal process;
 - Completion of key studies; and
 - Development of other policy options not directly related to site allocations for housing and other development.
- 2.11 By continuing with this work, we can ensure that we will be able to take the Plan forward quickly as the above issues are resolved.

3.0 Options

3.1 There are two options open to the Council:

- 1) to continue the work programme as currently set out in the agreed LDS; or
- 2) To amend the LDS as set out in this report.

3.2 It is recommended that Option 2 is followed. It is not considered, given the range of uncertainties that exist, that it is prudent to push forward the update of the Plan until those uncertainties are resolved to the extent that there is a clear way forward in terms of the key issues for the Plan.

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Background Papers

Title: [Local Development Scheme Dec 2021](#)

Corporate Consultation

Finance: *Chris Blundell (Director of Finance)*
Legal: *Estelle Culligan (Director of Law & Democracy)*