

## Executive Meeting

25 January 2023

### Local Development Scheme 2023 - 2025

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Planning and Infrastructure Committee PAC	11 January 2023
Executive	25 January 2023
Council	22 February 2023

<b>Will this be a Key Decision?</b>	Yes
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Council
<b>Lead Head of Service</b>	Phil Coyne (Interim Director, Strategic Planning)
<b>Lead Officer and Report Author</b>	Nicola Stokes, Planning Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

The Council is required by the Planning and Compulsory Purchase Act (2004) (as amended) to maintain an up-to-date Local Development Scheme (LDS). The purpose of an LDS is to set out the timetable for the delivery of Council produced planning policy documents and to inform local people and stakeholders.

Work is ongoing on the Local Plan Review, Gypsy and Traveller DPD and Design and Sustainability DPD in line with the Local Development Scheme 2022-2024 which was adopted by Full Council on the 28<sup>th</sup> September 2022.

This report was taken to the Planning and Infrastructure Policy Advisory Committee on 11<sup>th</sup> January 2023 and the committee was made aware of the possible amendments to the LDS in regards to the Local Plan Review. Since PI PAC, the Council has received the Inspector's Stage 1 Interim Report. Officers are now establishing from the Inspector a set of dates for the potential stage 2 hearing sessions, this would

then allow officers to update the Local Plan Review element of the Local Development Scheme and this could be updated before adoption by Council. Officers are currently not in a position to confirm when the stage 2 hearing sessions are likely to commence nor the subsequent changes to the LPR timeline.

There have been no changes in circumstances to the scope of the Design and Sustainability DPD and Gypsy and Traveller DPD since the previous version of the Local Development Scheme. However, the timetable for the production of the Gypsy and Traveller DPD has been altered as part of this LDS to include two consultations at Regulation 18 (18a and 18b). A new LDS is therefore required which will set out the associated alterations to the timetable for delivery of the Gypsy and Traveller DPD. There have been no changes in the timescales for the Design and Sustainability DPD. The new Local Development Scheme 2023-2025 can be found as an appendix to this report.

This report seeks a recommendation that the Local Development Scheme 2023-2025, attached at Appendix 1 to the report, be recommended to Council for approval.

### **Purpose of Report**

To provide an update to the Local Development Scheme and to seek views from the Executive, as appended to this report, prior to consideration by Council for decision.

### **This report makes the following recommendations to the Executive:**

1. That the Local Development Scheme 2023-2025, attached at Appendix 1 to the report, be recommended for adoption by Council, subject to the scheme being amended to reflect the revised Local Plan Review timetable once confirmed by the Planning Inspector.
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# Local Development Scheme 2023 - 2025

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Accepting the recommendations will materially improve the Council's ability to achieve all corporate priorities.</p>	Interim Local Plan Review Director
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendation supports the achievement of all four cross cutting objectives.</p>	Interim Local Plan Review Director
<b>Risk Management</b>	Already covered in the risk section	Interim Local Plan Review Director
<b>Financial</b>	Provision has been made for the costs of delivering planning policies including the local plan review within the Council's agreed budget and medium-term financial plan.	Section 151 Officer & Finance Team
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Interim Local Plan Review Director
<b>Legal</b>	Accepting the recommendations will fulfil the Council duties under the Planning and Compulsory Purchase Act 2004 (as amended)	Mid Kent Legal Services (Planning)

<b>Information Governance</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Information Governance Team
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
<b>Public Health</b>	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Public Health Officer
<b>Crime and Disorder</b>	The recommendation potentially will have a positive impact on Crime and Disorder.	Interim Local Plan Review Director
<b>Procurement</b>	There are no implications for procurement.	Interim Local Plan Review Director & Section 151 Officer
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and aligns with actions 1.1 / 5.1 and 6.1 of the Biodiversity and Climate Change Action Plan.	Biodiversity and Climate Change Officer

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Council is required by the Planning and Compulsory Purchase Act (2004) (as amended) to maintain an up-to-date Local Development Scheme (LDS). The purpose of an LDS is to set out the timetable for the delivery of Council produced planning policy documents and to inform local people and stakeholders.
- 2.2 The Local Development Scheme 2022-2024 was adopted by Full Council on 28<sup>th</sup> September 2022 and set out the timetable for delivering the Local Plan Review, Gypsy and Traveller DPD, and Design and Sustainability DPD.
- 2.3 To date work on the Design and Sustainability DPD is on track against the timetable set out in Local Development Scheme 2022-2024.
- 2.4 This report was taken to the Planning and Infrastructure Policy Advisory Committee on 11<sup>th</sup> January 2023 and the committee was made aware of the possible amendments to the LDS in regards to the Local Plan Review. Since PI PAC, the Council has received the Inspector's Stage 1 Interim Report. Officers are now establishing from the Inspector a set of dates for the potential stage 2 hearing sessions, this would then allow officers to update the Local Plan Review element of the Local Development Scheme and this

could be updated before adoption by Council. Officers are currently not in a position to confirm when the stage 2 hearing sessions are likely to commence nor the subsequent changes to the LPR timeline.

- 2.5 The timetable for the production of the Gypsy and Traveller DPD has been altered as part of this LDS to include two consultations at Regulation 18 (18a and 18b). A Regulation 18a Scoping, Themes and Issues consultation is scheduled to take place in February/March 2023 and Regulation 18b, Preferred Approaches consultation due to take place in February/March 2024, with subsequent key milestones taking place thereafter.
  - 2.6 A new LDS is therefore required which will set out the revised timetable for the delivery of the Gypsy and Traveller DPD to incorporate the two early stage consultations. The timetable for the delivery of the Design and Sustainability DPD remains unchanged.
  - 2.7 The new Local Development Scheme 2023-2025 can be found as an appendix to this report. This report seeks a recommendation that the Local Development Scheme 2023-2025, attached at Appendix 1 to the report, be recommended to Council for approval.
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### **3. AVAILABLE OPTIONS**

- 3.1 Option 1: The Local Development Scheme 2023-2025 is recommended to Council for approval. The LDS outlines the scope and timetable for delivering the Gypsy and Traveller DPD and the Design and Sustainability DPD. All three have consideration for the Strategic Plan priorities and cross-cutting objectives.
  - 3.2 Option 2: The Local Development Scheme 2023-2025 is not recommended to Council for approval. Under the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities must maintain an up to date LDS. The current LDS (2022-2024) does reflect the current timescales for the Gypsy and Traveller DPD and therefore a subsequent LDS is required. To not adopt this LDS will be contrary to the Planning and Compulsory Purchase Act 2004 (as amended) and would mean that the Local Planning Authority would fail its legal tests for producing these DPDs.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1 is the preferred option. By adopting the Local Development Scheme 2023-2025 the Council will be compliant with the Planning and Compulsory Purchase Act 2004 (as amended).
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## **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown in this report at paragraph 3.2. We are satisfied that, should the authority proceed as recommended, the risks associated are within the Council's risk appetite and will be managed as per the Policy.

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 This report was considered by the Planning and Infrastructure Policy Advisory Committee on 11 January 2023 and supported the Local Development Scheme 2023 - 2025, as attached at Appendix 1.
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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 If approved by Council, the Local Development Scheme 2023-2025 will be published on the website.
- 7.2 The delivery of the Local Plan Review, Gypsy and Traveller DPD and the Design and Sustainability DPD against milestones in the LDS will be monitored through the Authority Monitoring Report, which is published each year.
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## **8. REPORT APPENDICES**

Appendix 1: Local Development Scheme 2023 - 2025

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## **9. BACKGROUND PAPERS**

None