

This Report will be made public on 22 January 2019

Report Number **C/18/68**

To: Cabinet
Date: 30 January 2019
Status: Non-key decision
Responsible Officer: Sarah Robson, Assistant Director – Strategy, Performance and Communications
Cabinet Member: Cllr John Collier, Cabinet Member for the District Economy

SUBJECT: LOCAL DEVELOPMENT SCHEME 2019 UPDATE

SUMMARY:

This report presents a draft updated Local Development Scheme to Cabinet. The Local Development Scheme (LDS) sets out the timetable for preparing the council's development plan documents and outlines their purpose and general content. If approved by Cabinet, the LDS will be published on the council's website.

REASONS FOR RECOMMENDATIONS

To ensure that the council has an up-to-date Local Development Scheme, setting out the timetable for the preparation of future local plan documents, to provide information for local people and support the council's local plan documents at examination.

RECOMMENDATIONS:

1. To receive and note report C/18/68.
2. To approve the attached Local Development Scheme 2019 for publication.

1. BACKGROUND

- 1.1 Local planning authorities are required to publish a timetable, known as a Local Development Scheme (LDS), for the preparation of the different local plan documents that make up the development plan for their areas. The LDS should be updated as necessary, as progress is made with preparing plans, or as the need for new documents is identified.
- 1.2 An updated LDS was approved by Cabinet on 30 June 2016. Since publication, a number of partial updates to the timetable have been approved by Cabinet as work on the council's Places and Policies Local Plan and Core Strategy Review has progressed. Updates have included:
 - Cabinet 14 September 2016 - with the Preferred Options Places and Policies Local Plan;
 - Cabinet 19 April 2017 - with an update on the Core Strategy Review;
 - Cabinet 19 July 2017 - with the Submission Draft Places and Policies Local Plan; and
 - Cabinet 17 January 2018 - with the Consultation Draft Core Strategy Review.
- 1.3 This report puts forward an updated LDS, which consolidates previous amendments, and also proposes an amendment to the Community Infrastructure Levy Charging Schedule.
- 1.4 The council will need to demonstrate that it has an up-to-date LDS for the examinations of the Places and Policies Local Plan and Core Strategy Review.

2. CONSULTATION

- 2.1 There is no requirement for the local planning authority to consult on the Local Development Scheme; the LDS is a project plan for the preparation of documents which will themselves be consulted on as they are drafted.

3. OPTIONS

- 3.1 The draft 2019 Local Development Scheme is included in Appendix 1 to this report. This uses the same format as the 2016 LDS. Amendments have been made to the text including:
 - An update on the St Mary in the Marsh Neighbourhood Plan, following the successful referendum on 8 November 2018;
 - References to the Sandgate Design Statement have been updated to reflect recent work on a revised draft (as agreed by Cabinet on 14 November 2018, C/18/46);
 - Updates to timescales for the Places and Policies Local Plan and Core Strategy Review have been made; and
 - References to the National Planning Policy Framework (NPPF) have been updated to reflect the new NPPF published in July 2018.

3.2 The 2019 LDS includes additional proposals for amendments to the Community Infrastructure Levy Charging Schedule.

Amendment to the Community Infrastructure Levy Charging Schedule

3.3 The council's Community Infrastructure Levy (CIL) Charging Schedule was adopted in July 2016 and CIL charges came into force on 1 August 2016.

3.4 CIL is a fixed charge, based on the floorspace of new developments (charged per square metre). CIL charges were set in the Charging Schedule in 2016; these charges are index-linked to inflation.

3.5 The adopted CIL Charging Schedule removes certain areas from CIL liability, reflecting the strategic development allocations in the 2013 Core Strategy: Folkestone Seafront, Shorncliffe Garrison, New Romney and Sellindge. Within these areas Section 106 agreements and Section 278 agreements (for highways infrastructure) are being used to secure comprehensive developer contributions linked to the particular phases of the developments.¹

3.6 The Regulation 18 Core Strategy Review, consulted on between March and May 2018, highlighted that the council would seek to amend its CIL Charging Schedule to exempt the new garden settlement from CIL, to maximise the developer contributions secured through Section 106 and Section 278 legal agreements.²

3.7 The CIL Regulations 2010 (as amended) require that to set (or revise) a CIL Charging Schedule, charging authorities must have an appropriate evidence base to support the proposed levy. The national Planning Practice Guidance (PPG) states that the evidence base should include:

- The infrastructure needs to support growth (based on the infrastructure assessment undertaken for the Local Plan); and
- An overall assessment of the economic viability of new development (showing the effect of the proposed levy rate on viability).

3.8 The council is preparing an Infrastructure Delivery Plan as part of the evidence base to support the emerging Core Strategy Review. The council, working jointly with Kent County Council, has commissioned BPS Chartered Surveyors to undertake an assessment of the economic viability of new development proposed in the Core Strategy Review. Accordingly, the evidence base to support the proposed revised levy needs to satisfy the requirements set out in the PPG for the council to proceed with a revision to its CIL Charging Schedule.

¹ See CIL Charging Schedule, Appendix 4: [https://www.folkestone-hythe.gov.uk/media/3786/SDC-CIL-Charging-Schedule---final-draft-June-2016/pdf/SDC_CIL_CS_\(final_draft\)_June_2016\).pdf](https://www.folkestone-hythe.gov.uk/media/3786/SDC-CIL-Charging-Schedule---final-draft-June-2016/pdf/SDC_CIL_CS_(final_draft)_June_2016).pdf)

² See page 92: https://www.folkestone-hythe.gov.uk/media/4892/Core-Strategy-Review-Consultation-Draft-Plan---March-2018/pdf/Consultation_Draft_Plan_March_2018.pdf

3.9 Amendments to the CIL Charging Schedule would be required to go through two consultation stages:

- Consultation on a Preliminary Draft Charging Schedule; and
- Consultation on a Draft Charging Schedule.

Consultation periods can be shorter than those required for development plan documents. The amended Charging Schedule would then be submitted to the Planning Inspectorate for examination. The government is considering changes to this procedure to simplify and streamline the process.

3.10 It is likely that the consultation documents would be limited to: revised plans showing new areas to be exempt from CIL, reflecting the policy allocations for the new garden town and Sellindge; the supporting evidence described above; and a justification for the exemption. The 2016 CIL examination was undertaken through exchange of written statements (the Inspector did not require public hearings to be held), and it is likely that the amendments to the CIL Charging Schedule would follow a similar process. Amendments to the CIL Charging Schedule would track alongside the next stages of the Core Strategy Review, and dependent on timing, the same Inspector could examine both documents.

4. OPTIONS

4.1 The options are as follows:

- (a) To approve the LDS for publication as presented in Appendix 1;
- (b) To approve the LDS for publication with modifications directed by Cabinet; and
- (c) Not to approve the LDS for publication.

5. RISK MANAGEMENT ISSUES

5.1 Perceived risks are set out in the table below.

Perceived risk	Seriousness	Likelihood	Preventative action
That the timetable shown in the LDS changes due to unforeseen circumstances, new national requirements, etc.	Medium	Low	Progress with preparing local plan documents is reported in the Authority Monitoring Report. The LDS can be updated to account for any changes to the timetable or new documents that need to be prepared.

6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

6.1 Legal Officer's Comments

There are no legal implications arising directly out of this report other than as already stated in the report. Every Local Planning Authority must prepare and maintain a Local Development Scheme in accordance with section 15(1) of the Planning and Compulsory Purchase Act 2004 (as amended). Local Planning Authorities are responsible for monitoring progress made in preparing their Local Development Documents against the timetable set out in the Local Development Scheme (DK).

6.2 Finance Officer's Comments

There are no direct financial consequences of this report. The proposed work would be undertaken utilising existing resources (CS).

6.3 Diversities and Equalities Implications

There are no equalities implications directly arising from this report. However, as and when local plan documentation is prepared, an Equality Impact Assessment (EIA) should be carried out as part of the evidence base to fully ensure proposed plans do not adversely impact those with protected characteristics as defined under the Equality Act 2010 (GE).

7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

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