

This Report will be made public on 18 May 2020

Report Number **C/20/03**

**To:** Cabinet  
**Date:** 27 May 2020  
**Status:** Key Decision  
**Responsible Officer:** Charlotte Spendley – Director Corporate Services  
**Cabinet Member:** David Wimble - Cabinet Member for the District Economy

**SUBJECT:** Local Development Scheme 2020

**SUMMARY:**

Local Planning Authorities (LPAs) are required to prepare and maintain a Local Development Scheme (LDS) under Section 15 of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 and the Housing and Planning Act 2016.

This report seeks approval for the updated Local Development Scheme for 2020-2023.

**REASONS FOR RECOMMENDATIONS**

To ensure that the council have an up-to-date Local Development Scheme for the Core Strategy Review Examination in Public.

**RECOMMENDATIONS:**

1. To receive and note report C/20/03.
2. To approve the adoption of the Local Development Scheme, which is to have immediate effect.
3. To give delegated authority to the Strategy, Policy and Performance Lead Specialist to make and approve any final changes to the wording and content of the Local Development Scheme following adoption of the Places and Policies Local Plan, and to publish the Local Development Scheme on the Council's website.

## **1. BACKGROUND**

- 1.1 The Planning & Compulsory Planning Act 2004, as amended by the Localism Act 2011, requires each Local Planning Authority (LPA) to prepare and maintain a document setting out the statutory Development Plan for the district; as well as the programme for the preparation and review of the Development Plan Documents (DPDs) that form it. This is known as the Local Development Scheme (LDS).
- 1.2 The LDS is essentially a three-year project plan for preparing DPDs; but it is not a policy document itself. It provides a starting point for the local community and stakeholders to find out what planning documents are being prepared by the council; and outlines the indicative dates when there will be formal opportunities to get involved with the plan making process.
- 1.3 The existing LDS for Folkestone & Hythe was adopted in 2016 and whilst updates have been reported to Cabinet throughout the preparation of the DPDs scheduled; a comprehensive update of the main LDS document is now required. Principally, this LDS sets out the latest timescales for the review of the Core Strategy and the Community Infrastructure Levy (CIL) Charging Schedule.

## **2. EXISTING DEVELOPMENT PLAN**

- 2.1 The Local Development Scheme details the geographical extent of the Folkestone & Hythe District and the current position with respect to the Development Plan for the District. It sets out the DPDs which set out the long-term spatial strategy, as well as a variety of other non-strategic planning policies to manage development within its boundaries.
- 2.2 The Development Plan is what both the planning officers and planning committee consider development proposals against unless material considerations indicate otherwise.
- 2.3 The Development Plan is formed of the following DPDs:
  - Core Strategy Local Plan (2013)
  - Shepway District Local Plan 'Saved Policies' (2013)
  - Shepway District Policies Map (2013)
  - Kent Waste and Minerals Local Plan 2016-30
  - St Marys in the Marsh Neighbourhood Plan (2019)
- 2.4 In addition, a number of supporting Supplementary Planning Documents (SPDs) have also been either prepared by or adopted by the Council to assist in the implementation of the adopted Local Plan policies. These include the Sandgate Village Design Statement (2020); the Kent Downs AONB Handbook (2006); and Kent Design Guide (2006).
- 2.5 Since, the preparation of the LDS 2016, the only formal adopted change to the Development Plan has been the addition of the St Mary's in the Marsh Neighbourhood Plan in 2019, following a successful examination and referendum.

- 2.6 It is anticipated that the Places and Policies Local Plan (PPLP) will shortly supersede the Shepway District Local Plan 'saved policies'. The Plan is at an advanced stage of preparation and the application of its policies now have significant material weight in the determination of planning applications. The Inspector's final report is expected imminently; and it is hoped that when it is received, the PPLP can be recommended for adoption by the council.
- 2.7 It is requested that delegated authority be given to the Strategy, Policy and Performance Lead Specialist to make a factual update to the LDS once the PPLP has been adopted. This is to maintain an up-to-date LDS that accurately reflects the most up-to-date Development Plan position.

### **3. THE LOCAL DEVELOPMENT SCHEME 2020-2023**

- 3.1 The Local Development Scheme for 2020 – 2023 sets out the progress to date in the preparation of the following Development Plan Documents:
- The Places and Policies Local Plan
  - The Core Strategy Review
  - The Policies Map – supporting the PPLP and CSR

#### Places and Policies Local Plan

- 3.2 The timetable for the Places and Policies Local Plan (PPLP) shows the different stages of preparation that the Plan has passed through; and that it is now in the final stage of the plan-making process.
- 3.3 Adoption of the PPLP is currently anticipated to be in the summer of 2020, once the final examination report has been received from the Planning Inspector.

#### Core Strategy Review

- 3.4 The primary focus for the LDS period is the continuing preparation of the Core Strategy Review (CSR).
- 3.5 The Core Strategy Review (CSR) was originally borne out of the Government's requirement that Local Planning Authorities (LPAs) must review their Local Plan(s) at least once every 5 years.
- 3.6 Since the Core Strategy (2013) was prepared (and during the review period) there have been various changes to the National Planning Policy Framework in both 2018 and 2019. The most notable of these changes was in 2018, which introduced a new standard methodology for LPAs to use in order to calculate their local housing requirements. The formula was revised in a further update to the NPPF in 2019.
- 3.7 The purpose of the review was to consider whether the adopted spatial strategy for the District remained relevant. A significant uplift in the district's housing need resulted in the additional proposed strategic allocations in the

form of a new garden settlement at Otterpool; and an extension of the broad location at Sellindge.

- 3.8 The timetable for the preparation of the Core Strategy Review has been updated to reflect its preparation to date; and to reflect its recent submission to the Planning Inspectorate in March 2020 for Examination in Public.
- 3.9 Examination of the CSR is now underway and is anticipated to conclude in the autumn with adoption currently expected to be in November 2020. It ought to be noted that the examination timetable is determined and led by the Planning Inspectorate. Examination news and updates (including timetabling information) will be published on the council's webpage at <https://www.folkestone-hythe.gov.uk/article/273/Core-Strategy-Review-2020>; as and when the council is informed.
- 3.10 The NPPF states that Local Plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound.
- 3.11 An up-to-date LDS is a fundamental element of the Local Plan process and it is a requirement to submit the LDS at submission stage of a Development Plan Document (DPD) to the Planning Inspectorate. Maintaining an up to date LDS is one of the first tests of soundness at the Local Plan examination and it is essential that it is kept under review and updated accordingly.

#### Neighbourhood Plans

- 3.12 The Council is not aware of any Neighbourhood Plan currently being prepared.

#### Community Infrastructure Levy

- 3.13 Whilst the Community Infrastructure Levy (CIL) is not a DPD, it is directly linked to the preparation and implementation of the Development Plan; and national planning guidance states that it should be reviewed at the same time as the Local Plan. Therefore, the council considers that it would be useful that information in relation to any proposed revision to the CIL Charging Schedule should be publicly available and included as part of this LDS.

#### Supplementary Planning Documents

- 3.14 It is not a requirement of the LDS to include the details of any SPDs or other planning documents that the council intends to prepare. However, the council is aware that this timetabling is useful for those stakeholders that have an interest in planning matters and so applicable details will be made available for information purposes through the council's website at <https://www.folkestone-hythe.gov.uk/article/248/Supplementary-Planning-Documents> as and when they are agreed.

## **4. NEXT STEPS**

- 4.1 Subject to the resolution of Cabinet to publish the Local Development Scheme, it is proposed that the documentation will be made available on the Council's website.
- 4.2 The Local Development Scheme will be monitored by officers and the progress towards the production of the Local Plan will be published as part in the Council's Authority Monitoring Report. This is published in December each year.
- 4.3 The reporting of progress against the Local Development Scheme is also a legal requirement of the Planning & Compulsory Purchase Act 2004 (PCPA) (as amended by the Localism Act 2011).

## **5. OPTIONS**

- 5.1 Members have three possible options:
  - a) To adopt the LDS (2020 – 2023) with immediate effect
  - b) To adopt the LDS (2020 – 2023) with amendments
  - c) To reject the LDS (2020 - 2023)
- 5.2 The option of not adopting an up-to-date LDS has been rejected as it is a legal requirement to have an up-to-date LDS which must be submitted at submission stage of a Development Plan Document (DPD) to the Planning Inspectorate.

## **6.0. RISK MANAGEMENT ISSUES**

- 6.1 A full assessment of the risks associated with the preparation of the Development Plan Documents scheduled in the LDS (2020 – 2023) has been set out in Section 8 of the LDS, which is provided in Appendix 1.

## **7.0. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS**

### **7.1 Legal Officer's Comments**

The Local Planning Authority is required pursuant to s15 of the Planning and Compulsory Purchase Act 2004 (as amended) to prepare, revise and make a Local Development Scheme available to the public. This duty by necessity also requires the Council to ensure that the Local Development Scheme is maintained as an up to date document, pursuant to s15 subsection 9A of the Planning and Compulsory Purchase Act 2004 (as amended).

A Local Development Scheme must specify (amongst other matters) the development plan documents which when prepared, will comprise the Development Plan for the area. A Local Development Scheme as correctly stated at paragraph 2.1 of this Report comprises a combination of strategic policies and non-strategic policies and consequently include the Local Plan and supplementary planning documents.

There is a risk that by not ensuring an up to date Local Development Scheme is published and available to the public that the Council will be found to be in

breach of its statutory duties. Approval of the Local Development Scheme is recommended.

## **7.2 Finance Officer's Comments**

There are no financial implications linked to the adoption of the Local Development Scheme 2020 timetable. The Local Plan update costs, which in the main, were incurred in 19/20 have been accommodated within the Planning Policy General Fund budget.

## **7.3 Diversities and Equalities Implications**

There are no equalities implications directly arising from this report

## **8.0 CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

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

Officer: Adrian Tofts: Strategy, Policy and Performance Lead Specialist  
Telephone: 01303 853438  
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### **Appendices:**

Appendix 1: Local Development Scheme (2020 – 2023)