

LOCAL DEVELOPMENT SCHEME (LDS) UPDATE

Development and Conservation Advisory Committee – 11 July 2024

Report of: Chief Officer for Planning and Regulatory Services

Status: For Consideration

Also considered by:

- Cabinet – 18 July 2024

Key Decision: Yes

Executive Summary: This report outlines the proposed change to the Local Development Scheme (LDS), which is the Local Plan timetable. This report sets out the reasons for the proposed change and the consequences.

Portfolio Holder: Cllr. Julia Thornton

Contact Officer: Hannah Gooden, Ext. 7178

Recommendation to Development and Conservation Advisory Committee:

To note the proposed revisions to the Local Development Scheme

Recommendation to Cabinet:

To approve the proposed revisions to the Local Development Scheme

Reason for recommendation: To inform DCAC of the proposed amendments to the Local Development Scheme (LDS) Local Plan timetable.

Introduction and Background

- 1 The Local Development Scheme (LDS) is a rolling project plan for the production of documents, plans and policies that form our Local Plan.
- 2 The current Local Development Scheme was agreed by Cabinet in July 2022 and is published on our website:
https://www.sevenoaks.gov.uk/directory_record/8/local_development_scheme

- 3 The current timetable suggests Regulation 19 consultation takes place in Spring 2024 and submission of the Local Plan for examination in Summer 2024. This timetable needs to be updated to reflect the revisions set out below.

Proposed Revisions to the LDS

- 4 It is proposed to revise the timetable as set out below, with the following key milestones:
- Regulation 19 (Draft Local Plan) Consultation – Winter 2024/25
 - Submission (before 30 June 2025)
 - Examination – 2025/26
 - Adoption (before 31 December 2026)
- 5 These dates reflect the programme set out by central government in the Levelling Up and Regeneration Act, in terms of the existing planning system and transition to the new planning system. The latest date for plan-makers to submit local plans for examination under the current system is 30 June 2025 and those plans will need to be adopted by 31 December 2026. It is noted that this central government timetable and transition to a new planning system is the intention of the existing government, and therefore may be subject to change post 4 July, if there is a change in party through the General Election.

Reasons for the proposed change

- 6 Work with our consultants and other agencies, in relation to our evidence base, continues at pace. That having been said, some of our outsourced / commissioned reports will not be available until the autumn, and we are very keen that these fully inform the recommendations to Members so that they can have confidence in them.
- 7 It is crucial that the submitted plan is robust, and evidence is vital in that regard. As such, it is recommended that the LDS is updated, reflecting the position set out above.
- 8 In terms of the benefits of moving Regulation 19 consultation to the end of the year, the following issues are highlighted:
- In relation to our **transport** evidence, junction modelling and mitigation (highways) work will be completed the autumn (October).
 - Evidence is still ongoing in relation to **flooding** which will need to feed into site assessments.
 - There are multiple work-streams that cannot progress fully until the sites are finalised e.g. meaningful engagement with **infrastructure** providers.

Many providers will not engage until we have a final list of sites that they can model and comment on.

- Once the Local Plan **viability** work is complete (summer) we will need to draft and consult on a new **CIL** charging schedule.
- We are in the process of commissioning further evidence in relation to AONB/national landscape/**Landscape** and Visual Impact Assessment (LVIA), which will be complete in the autumn (September).
- **Sport/leisure** evidence - this is ongoing in relation to analysis of summer sports, and it would be useful to have a full suite of complete evidence before the Regulation. 19.
- Greater opportunity to further progress discussions with **Dartford** Borough Council regarding their surplus housing provision
- The revised timetable provides time to resolve any outstanding issues on existing **sites**, to either confirm their inclusion or omission, as well as to undertake more detailed work on development briefs on sites in the **Green Belt**.

In addition to ongoing work on the evidence base and sites, there are also a number of other reasons which have led to the proposed timetable revisions:

- Ongoing changes to government policy – a new NPPF was published in December 2023, and changes to policy for example in relation to planning for gypsies and travellers, flooding and biodiversity. These amendments have had to be incorporated in the Local Plan.
- Significant response to Regulation 18 (Part 2) consultation, which ended in January 2024, and the need to thoroughly review this feedback.
- Town and Parish Councils, and other stakeholders, have provided feedback that the next consultation should not take place over the summer holidays as few council meetings are held over August. This means that, even if additional consultation time is given, there is still extreme pressure on these councils in early September to provide a full and considered consultation response before the deadline.
- Committee meeting cycles do not necessarily align with proposed consultation periods.

Next Steps

- 9 Once there is agreement with the proposal, as the revised timetable will ensure that the evidence base supporting the Regulation 19 submission will be as robust as possible, the updated LDS will need to be published on our website and the revised timetable communicated to relevant stakeholders.

- 10 The next DCAC (24 September) will consider a Local Plan update and evidence base report, which will provide further opportunity for member engagement and comment. The Regulation 19 consultation draft will be presented at the following DCAC (5 December) and Cabinet (12 December).
- 11 The Regulation 19 consultation would then take place in winter 2024/25, with submission for examination, once agreed by full Council, before 30 June 2025.

Other options Considered and/or rejected

- 12 An alternative could be to remain with the existing timetable. However, Regulation 19 in Spring 2024 is not achievable and therefore the timetable should be updated to reflect this
- 13 Another option is undertake Regulation 19 consultation in Summer 2024. However, the evidence base is not complete and the Plan would not be sufficiently robust. This timetable is also likely to attract criticism that consultation should not take place over the summer holidays (as stated by a range of stakeholders, including town and parish councils).
- 14 The option not to progress a new Local Plan would leave the Council open to reputational damage and likely Government intervention to produce a Local Plan for the District Council. The Council would also be exposed to speculative, un-coordinated development proposals, and would not be able to shape the future development of the District. The Council would also incur significant costs, including legal costs, from defending appeals in relation to such speculative applications.

Financial

- 15 The production of the Local Plan will be funded from the Local Plan reserve and remains within budget. The revised timetable allows for the receipt of relevant reports and gets the best value outputs and evidence research from the suppliers.

Legal Implications and Risk Assessment Statement

- 16 Preparation of a Local Plan is a statutory requirement. There are defined legal requirements that must be met in plan making, which are considered when the Plan is examined by a Government Planning Inspector. Risks associated with the Local Plan are set out in the Local Development Scheme

Equality Assessment

- 17 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users. An Equality Impact Assessment (EQIA) has been prepared alongside the Local Plan.

Climate Change Implications

- 18 The decisions recommended in this paper directly impact our climate change ambition. The impact has been reviewed and there will be a decrease on carbon emissions produced in the district as a result of this decision. The adoption of the Local Plan, which includes policies in relation to climate change and the environment, will have a positive impact to help decrease carbon emissions in the district, and support the resilience of the natural environment

Appendices

Appendix A – Existing Local Development Scheme (LDS)

https://www.sevenoaks.gov.uk/directory_record/8/local_development_scheme

Richard Morris

Deputy Chief Executive and Chief Officer – Planning & Regulatory Services