

Local Development Scheme (October 2021)

For Portfolio Holder for Planning and Transportation

Summary

Lead Member: Cllr Alan McDermott – Leader and Portfolio Holder for Planning and Transportation

Lead Director: Lee Colyer – Director of Finance, Policy and Development

Head of Service: Steve Baughen – Head of Planning

Report Author: Ellen Gilbert, Principal Planning Officer

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Management Board	N/A
Portfolio Holder	22 October 2021
Report Published	25 October 2021
Decision due not before	2 November 2021

Recommendations

Officer recommendations as supported by the Portfolio Holder:

1. That the Local Development Scheme (October 2021) as attached at **Appendix A** comes into effect from 22 October 2021 and be published on the Council's website.

1. Introduction and Background

- 1.1 The Council is required to publish a 'Local Development Scheme' (LDS) which sets out details of the planning policy documents that the Council is applying, together with those to be prepared over the next three years, and the timescales for their production and adoption.

- 1.2 As national guidance advises, as a publicly available and published document, it is important that the LDS is kept up to date, so that statutory agencies, landowners, developers and particularly local residents can keep track of progress and know when they are likely to be able to participate in the plan-making process. Progress against the LDS timetable is reported in the Council's Monitoring Report.
- 1.3 It is necessary to now update the LDS, which would come into effect in October 2021. The new LDS updates and replaces the previous LDS dated February 2021. This is due to the progression of the Local Plan, including consideration of representations to the recent Regulation 19 Pre-Submission Local Plan consultation and the need to produce the Summaries of Main Issues for the Inspector who will examine the Plan, progress on Duty to Cooperate matters, including Statements of Common Ground and evidence base work. The updated LDS sets out a revised timetable for the remaining stages of the production and adoption of the new Local Plan, as well as of other planning documents that the Council expects to prepare over the next three years.
- 1.4 The updated LDS also considers the continued impacts of the Covid-19 outbreak on the Local Plan programme, which will continue to be kept under review. In addition, consideration has also been given to the Government's proposed changes to the planning system, both under the Changes to the Current Planning (CttCPS) System and Planning for the Future: White Paper. Future Government announcements about changes, and the timetables for these, will be kept under review. The National Planning Policy Framework (NPPF) was updated in July 2021, and the updated LDS takes account of the revised NPPF.
- 1.5 The current LDS is available on the website:
<https://www.tunbridgewells.gov.uk/planning/planning-policy/local-development-scheme>
- 1.6 The timetable for the production of a Town Centre Area Plan for Royal Tunbridge Wells (linked to policies in the Local Plan), and a series of Supplementary Planning Documents (SPDs) has been updated by the new LDS to align with the new Local Plan.
- 1.7 The SPDs will provide further guidance on:
- the strategic sites at Tudeley Village and Paddock Wood including land in east Capel;
 - local cycling and walking infrastructure and low traffic neighbourhoods;
 - biodiversity net gain,
 - the historic environment, and;
 - open space (not identified in previous iterations of the LDS, but now added to the LDS in support of Policy OSSR 2 in the new Local Plan).

2. Timetable for production and adoption of the Local Plan

- 2.1 As set out at paragraph 1.3 above, the updated LDS sets out the timetable for the remaining stages of the production and adoption of the new Local Plan. When the Local Plan Examination begins, one of the compliance tests will be whether the Local Plan has been produced in accordance with the published LDS. Currently, this is not the case so it is essential that the LDS is updated to reflect progress on the Local Plan. The updated LDS at **Appendix A** reflects this progress and would ensure the compliance test is met at Examination.

3. Timetable for the Town Centre Area Plan and SPDs

- 3.1 As the Town Centre Area Plan will be linked to policies in the new Local Plan, and there is a need for increased certainty over how the economic, retail, leisure, office, cultural and commuting environment and context will change in the medium-long term, the timetable for the production of the Town Centre Area Plan is considered to be key. Due to the link with policies in the Local Plan, it is considered important that the timetable for the production of the Town Centre Area Plan aligns with the Local Plan.
- 3.2 The updated LDS (October 2021) will be important in demonstrating to the Inspector at Examination that the Town Centre Area Plan, and SPDs, will be coming forward in an appropriate timescale.
- 3.3 It is also considered that the necessary work on the Town Centre Area Plan can take place ahead of/alongside the potential “new style local plan” for the borough which the White Paper suggested will be introduced, although it will be important to continue to monitor these proposals.

4. Risks

- 4.1 Of course, there are risks associated with the suggested programme for the Town Centre Area Plan and SPDs, not least as a consequence of a range of uncertainties related to the recovery from coronavirus and potential changes to the national planning system.
- 4.2 Assessment of risks are set out in the LDS, and the wider picture will be closely monitored, and Members advised of implications as they are identified.
- 4.3 Legislation is expected on the national changes to the planning system soon, and possibly by the end of 2021. It may be necessary to update the LDS at that

point to reflect any changes necessary as a consequence of any national changes, such as the timetable for the next Local Plan (i.e., beyond 2038).

5. Options Considered

- 5.1 Option 1: Do not update the LDS. This means that progress on the Local Plan would not follow the Local Plan timetable set out in the current LDS (February 2021), meaning that local residents, statutory agencies, businesses, landowners, developers, and the Planning Inspectorate would not have up-to-date information on the progress/production of the new Local Plan. This would be a significant risk at Examination, which requires production of the Local Plan to follow a published LDS. Furthermore, there would be consequential effects on the production of the RTW Town Centre Area Plan and SPDs, which would not align with the new Local Plan. This would be contrary to best practice, legislation and national planning practice guidance.
- 5.2 Option 2: Update the LDS but propose a different programme and scope of the planning policy documents.
- 5.3 Option 3: Update the LDS as attached at Appendix A. This would provide interested parties with clear information on the scope and timetable for the production and adoption of the new Local Plan, RTW Town Centre Area Plan and SPDs, including the timetable for public engagement in the preparation of the RTW Town Centre Area Plan and SPDs. The scope of these documents is considered to be the most appropriate given the wider Local Plan policy requirements, with the timetable considered to be the optimum balancing progress of the Local Plan and particularly the indications of certainty of soundness to be provided by the Inspector's report (expected October 2023), with the need to produce the documents promptly given the timescales for delivering the strategic sites and framework for RTW town centre.

6. Preferred Option and Reason

- 6.1 Option 3 is the preferred option, for the reasons set out in the report.

7. Consultation on Options

- 7.1 The proposed LDS has been reviewed and endorsed by the cross-party Planning Policy Working Group.

8. Implementation

- 8.1 Post agreement the updated LDS will be uploaded to the Council's website. In addition, anyone on the Council's Local Plan database who has given the Council express permission, will receive an email advising them of the updated LDS.

9. Appendices and Background Documents

Appendices:

- **Appendix A:** Local Development Scheme (October 2021)

10. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Accepting the recommendations will satisfy the Council's duties under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) which requires local planning authorities to prepare a Local Development Scheme (LDS). The LDS must specify which of the documents make up the Development Plan, both adopted and proposed, and sets the timetable for the preparation and revision of those documents. The LDS is a 'live' document and must be published and kept up to date on the Council's website. The proposed LDS is in compliance with the legislation.

Jo Smith (Planning Lawyer) on behalf of Russell Fitzpatrick, MKLS (Planning) Team Leader,
21.10.2021

B. Finance and Other Resources

The budget for the Local Plan is managed within Planning Services, in liaison with Finance. The work required can be undertaken within the currently agreed and long-term budgets, although this will need to be managed very carefully as the financial impact of the Coronavirus Pandemic has severely impacted the council's revenue budget and its ability to respond to expenditure pressures.

Jane Fineman, Head of Finance, Procurement and Parking, 22.10.2021

C. Staffing

There are no staffing implications. The Planning Policy team is presently holding one vacancy which is currently being recruited to. Once this post is filled the Team will be at full complement of officers/resource, which has been identified as the minimum necessary (as identified in the LDS).

Steve Baughen, Head of Planning, 21.10.2021

D. Risk Management

This is specifically addressed as Risk Scenario 8: Local Plan adoption – housing in the Council's Risk Register.

The risk is considered on the RAG status as "red": likelihood – likely; impact – major. Controls/mitigations and actions are place: these are set out in the Council's Risk Register.

Steve Baughen, Head of Planning, 21.10.2021

E. Environment and Sustainability

Environmental, including climate change, as well as economic and societal, matters are key considerations in the Local Plan and other planning policy documents. The new Local Plan and forthcoming documents set out in the LDS will contain policies including the Council's obligations under the National Environment and Rural Communities Act 2006 and the Countryside and Rights of Way Act 2000

Steve Baughen, Head of Planning, 21.10.2021

F. Community Safety

No community safety issues arise as a result of this report.

Steve Baughen, Head of Planning, 21.10.2021

G. Equalities

Having regard to the requirements under the Public Sector Equality Duty (s149 of the Equality Act 2010), it is not considered that the decision recommended through this report is likely to have any differential impact on people with protected characteristics.

Steve Baughen, Head of Planning, 21.10.2021

H. Data Protection

Data protection is subject to existing controls in the current programme and LDS, and this will not change in the proposed LDS.

Steve Baughen, Head of Planning, 21.10.2021

I. Health and Safety

No health and safety issues arise as a result of this report.

Steve Baughen, Head of Planning, 21.10.2021

J. Health and Wellbeing

No health and wellbeing issues arise as a result of this report.

Steve Baughen, Head of Planning, 21.10.2021