

Report to: Cabinet

Date: 2 November 2022

Title: Local Development Scheme 2022-2025

Report of: Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration & Planning

Cabinet member: Councillor Colin Swansborough, Cabinet Member for Climate Change, Heritage Assets, Place Services and Special Projects.

Ward(s): All

Purpose of report: To seek Cabinet endorsement of the Local Development Scheme 2022-2025 in order to allow formal adoption at Full Council on 16 November 2022

Decision type: Key Decision

Officer recommendation(s):

- (1) That Cabinet recommends to Full Council that the Eastbourne Local Development Scheme 2022-2025 as set out in Appendix 1 be adopted at the Full Council meeting on 16 November 2022
- (2) That delegated authority is given to the Director of Regeneration and Planning in consultation with the Cabinet Member for Climate Change, Heritage Assets, Place Services and Special Projects to make minor and technical updates to timetables within the Local Development Scheme where necessary.

Reasons for recommendations:

- (1) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Council's constitution identifies that the adoption of the Local Development Scheme is a function of Full Council.
- (2) To ensure that the Local Development Scheme can be kept up to date without needing to bring minor amendments back to Full Council.

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1. Introduction

- 1.1 The Local Development Scheme (LDS) is the Council's timetable for the production of planning documents. It covers a three year period from 2022-2025 and outlines the planning documents to be produced with the key dates and milestones.
- 1.2 Local Planning Authorities are required to produce a LDS under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS must be made publicly available and kept up-to-date.
- 1.3 The LDS must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It can also include other planning policy documents such as Supplementary Planning Documents (SPDs) that are due to be produced.
- 1.4 The current LDS was approved in February 2019. Progress against the LDS is monitored on an annual basis through the Authority Monitoring Report (AMR). The AMR has recognised that the LDS needs to be amended to reflect changes in circumstances relating to Local Plan production.
- 1.5 The adoption of the LDS is a function of Full Council, and it is requested that Cabinet endorse the LDS for adoption at Full Council on 16 November 2022.

2. Background

- 2.1 The Government has set out a clear expectation that all local planning authorities should have a local plan in place, and that it should be kept up-to-date to ensure policies remain relevant.
- 2.2 The National Planning Policy Framework (NPPF) requires that local planning authorities undertake a review of their local plans at least once every 5 years from adoption to ensure that policies remain relevant and effectively address the needs of the local community.
- 2.3 The NPPF is clear that housing policies should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable

housing sites. Furthermore, guidance sets out clearly that a local plan is likely to require updating in whole or in part at least every five years.

- 2.4 The Core Strategy was adopted in 2013. The status of the Core Strategy and progress against the LDS is monitored on an annual basis through the Authority Monitoring Report (AMR).
- 2.5 A review of the Core Strategy in 2018 due to its five year anniversary determined that the Core Strategy cannot be considered to be up to date. There are a number of reasons for this:
- Housing delivery over the plan period has been lower than the amount required by the Core Strategy;
 - Housing need has increased significantly since 2013;
 - A five year housing land supply cannot be demonstrated; and
 - The Core Strategy is more than five years old.
- 2.6 In addition, the current development management policies date back to the Eastbourne Borough Plan 2003 and need to be reviewed to take into account the changing needs and dynamics of the Borough, as well as to be consistent with recent revisions to national policy and reflect any new strategies for the town.
- 2.7 The need to prepare a new Eastbourne Local Plan to replace the Core Strategy is not a newly identified need as the current LDS that was adopted in 2019 identified that a new Local Plan should be produced.

3. Progress against current LDS

- 3.1 The previous LDS was adopted in February 2019, and set out a timetable for the preparation of a new Local Plan, as well as timetables for a new CIL Charging Schedule.
- 3.2 The timetable for the preparation of the new Local Plan in the previous LDS has been delayed due to a number of factors including uncertainties caused by regular changes to the planning system and announcements of significant reforms over recent years, resourcing issues associated with the Covid-19 pandemic, and the preparation of evidence documents taking longer than expected to be completed. This has included the production of a new fluvial flood model for the Eastbourne and South Wealden area to ensure that flooding issues across the town are properly understood, which is fundamental to the Local Plan and was only completed in early 2022.

4. Future Work Programme

- 4.1 The new LDS identifies the timetable for the preparation of a new Eastbourne

Local Plan.

- 4.2 The NPPF requires that local planning authorities (individually or in conjunction with other local planning authorities) prepare a plan that sets out the strategic policies for their area, with non-strategic policies being included in either the same plan or a separate plan.
- 4.3 The new Eastbourne Local Plan will cover the whole of the Borough outside of the South Downs National Park. It will contain both strategic policies that set out an overall strategy for the pattern, scale and quality of development, and non-strategic policies that will contain more detail for the determination of planning applications.
- 4.4 The new Eastbourne Local Plan will cover the period between 2019 and 2039, and is required to will look ahead over a minimum 15 year period from adoption, which is anticipated for late 2024.
- 4.5 The timetable for the preparation of the new Local Plan in the updated LDS is as follows:
- Proposed Growth Strategy Consultation (Regulation 18): November 2022 - January 2023
 - Proposed Submission Consultation (Regulation 19): November to December 2023
 - Submission to the Secretary of State: February 2024
 - Examination: Spring/summer 2024
 - Adoption: November 2024
- 4.6 A separate report seeks authority from Cabinet to publish a proposed Growth Strategy for the new local plan for consultation in November 2022.

5. Consultation

- 5.1 The Local Plan Steering Group was consulted on the preparation of the LDS. The Local Plan Steering Group oversees the preparation and finalisation of Local Plan documents before approval by the Cabinet, and Full Council where relevant.

6. Financial appraisal

- 6.1 The work programme within the LDS will be used to cover costs of specialist evidence study commissions, consultation and examination that will be required for the preparation of the Local Plan.
- 6.2 The work programme identified in the LDS will be supported through the net budget of £47,000 (E32320) and a one-off contribution from reserves of £204,000, which has had 50% committed to date and with the remaining being

committed Autumn 2022 – Spring 2023.

7. Legal implications

- 7.1 Section 15(1) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires local planning authorities to prepare and maintain a scheme to be known as their local development scheme. It is important for the Council to comply with S.15(8) Planning and Compulsory Purchase Act 2004 which provides that a local planning authority must revise their local development scheme at such time as they consider appropriate.
- 7.2 Subsection (9) sets out that the same statutory provisions apply to the revision of a scheme as they apply to the preparation of the scheme. Upon the revision of a scheme, the local planning authority must make the following available to the public –
- a) The up-to-date text of the scheme
 - b) A copy of any amendments made to the scheme
 - c) Up-to-date information showing the state of the authority's compliance (or non-compliance) with the timetable
- 7.3 Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Council's constitution, the adoption of the LDS is a function of Full Council. However, it is a proper function of Cabinet to consider the LDS and make a recommendation to Full Council for its adoption with or without amendment.

Legal Implications checked 05.10.22 - 011457-EBC-JCS

8. Risk management implications

- 8.1 Not preparing the Local Plan in accordance with an up to date LDS would risk the Local Plan not being considered legally compliant, and it would therefore fail at examination and could not be adopted.
- 8.2 In terms of risk management in the preparation of the new Local Plan, the LDS identifies governance support procedures and resource implications. It also identifies risks associated with delivery of the Local Plan and mitigation measures that could be put in place to avoid adverse impact on the delivery of the LDS.

9. Equality analysis

- 9.1 It is not considered that an Equalities and Fairness Analysis is required for the Local Development Scheme because the timetable for the preparation of a new Local Plan will not impact on protected groups.
- 9.2 The new Local Plan itself will need to undergo an equalities and fairness analysis,

and this will be undertaken during the preparation of the plan.

10. Conclusion

- 10.1 Eastbourne Borough Council has a legal obligation to prepare a Local Development Scheme that identifies the future preparation of Local Plans, and to keep this up to date.
- 10.2 The previous LDS (2019-2022) no longer reflects the timetable for the preparation of the new Eastbourne Local Plan. A new LDS covering the period 2022-2025 is required in order to set out an updated timetable.
- 10.3 The adoption of the LDS is a function of Full Council, but should first be endorsed by Cabinet. It is recommended that Cabinet endorse the Local Development Scheme 2022-2025 and recommend formal adoption at Full Council on 16 November 2022.

11. Appendices

- Appendix 1 – Eastbourne Local Development Scheme 2022-2025

12. Background papers

The background papers used in compiling this report were as follows:

- Planning and Compulsory Purchase Act 2004 - <https://www.legislation.gov.uk/ukpga/2004/5>
- Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) - <http://www.legislation.gov.uk/uksi/2012/767/made>
- National Planning Policy Framework (2021) - <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Eastbourne Authority Monitoring Reports - <https://www.lewes-eastbourne.gov.uk/planning-policy/authority-monitoring-report-amr/>
- Eastbourne Local Development Scheme 2022-2025 Equalities and Fairness Screening Report