

Report to: Cabinet

Date: 6 February 2019

Title: Local Development Scheme 2019-2022

Report of: Ian Fitzpatrick, Director of Regeneration and Planning

Cabinet member: Cllr Jonathan Dow, Cabinet Member for Place Services

Ward(s): All

Purpose of report: To seek Cabinet endorsement of the Local Development Scheme 2019-2022 in order to allow formal adoption at Full Council on 20 February 2019.

Decision type: Key

Officer recommendation(s): (1) That Cabinet recommends to Full Council that the Eastbourne Local Development Scheme 2019-2022 as set out in Appendix 1 be adopted at the Full Council meeting on 20 February 2019.

(2) That delegated authority is given to the Director of Regeneration and Planning in consultation with the Cabinet Member for Place Services 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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1.0 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 2019-2022 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 2017. 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 20 February 2019.

2.0 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 due to its five year anniversary has 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 contained within the local plan that replaces the Core Strategy.

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 2017 identifies that a new Local Plan should be produced.

3.0 Progress against current LDS

3.1 The existing LDS was adopted in February 2017, and set out a timetable for the preparation of a new Local Plan, as well as timetables for a new CIL Charging Schedule, Statement of Community Involvement, Tourist Accommodation Retention SPD and Affordable Housing SPD.

3.2 A new Statement of Community Involvement was adopted in July 2017 (and subsequently updated to reflect changes in national legislation). The Tourist Accommodation SPD was adopted in February 2017 and the Affordable Housing SPD was adopted in November 2017.

3.3 The timetable for the preparation of the new Local Plan in the existing LDS has been delayed due to significant changes in national planning policy that were announced in spring 2017 and introduced in July 2018. In October 2017, it was considered appropriate by Local Plan Steering Group that the Local Plan production be deferred to ensure that it was only taken forward once the changes were fully understood.

4.0 Future Work Programme

4.1 The new LDS identifies the preparation of a new Local Plan, with a new CIL Charging Schedule to be produced alongside the Local Plan.

4.2 Eastbourne Local Plan

4.2.1 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.

4.2.2 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.

4.2.3 The new Eastbourne Local Plan will cover the period between 2018 and 2038, and is required to will look ahead over a minimum 15 year period from adoption, which is anticipated for late 2021.

4.2.4 The timetable for the preparation of the new Local Plan in the updated LDS is as follows:

- Issues and Options Consultation: November-December 2019
- Proposed Submission: November-December 2020
- Submission: February 2021
- Examination: May-June 2021
- Adoption: November 2021

4.2.5 It is anticipated that authority to publish an Issues and Options Report for consultation will be sought from Cabinet in October 2019, which will allow sufficient time post local elections for engagement with Members prior to the consultation.

4.2.6 This will also allow time to complete the remaining evidence studies required to inform the Issues and Options consultation, including the review of the SHELAA and a new transport study.

4.2.7 Additional evidence studies will be required following the Issues and Options consultation in order to ensure that a Proposed Submission version of the Local Plan is prepared for publication in Autumn 2020.

4.3 CIL Charging Schedule

4.3.1 The Community Infrastructure Levy (CIL) is a tool for local authorities to help deliver infrastructure to support the development of the area by putting a charge on new development. The charges should be set out in a local authority's Charging Schedule. The current Eastbourne CIL Charging Schedule was

adopted in 2015.

4.3.2 The LDS proposes that the CIL Charging Schedule be reviewed alongside the preparation of the new Local Plan, with both being adopted at the same time. This is to ensure that any new CIL rates do not threaten the ability to develop viably the sites and scale of development identified in the Local Plan, in accordance with national guidance.

4.3.3 The timetable for the preparation of the new CIL Charging Schedule in the updated LDS is as follows:

- Consultation on Preliminary Draft: June-July 2020
- Publication of Draft Charging Schedule: November-December 2020
- Submission: February 2021
- Examination: May-June 2021
- Adoption: November 2021

5.0 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 and SPDs before approval by the Cabinet, and Full Council where relevant.

6.0 Financial appraisal

6.1 The work programme identified in the LDS will be through the a budget of £231,950 (E32320), which 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 and CIL Charging Schedule.

7.0 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. *Lawyer consulted 3 January 2019 Legal : 007930-EBC-JCS*

8.0 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 and CIL Charging Schedule, 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.

9.0 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. A 'No Relevance' report is provided as a background paper to this report.

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.

10.0 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 current LDS (2017) no longer reflects the timetable for the preparation of the new Eastbourne Local Plan. A new LDS covering the period 2019-2022 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 2019-2022 and recommend formal adoption at Full Council on 20 February 2019.
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Appendices

- Appendix 1 – Eastbourne Local Development Scheme 2019-2022

Background papers

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

- Eastbourne Authority Monitoring Report 2017/2018 - <https://www.lewes-eastbourne.gov.uk/planning-policy/authority-monitoring-report-amr/>
- Eastbourne Local Development Scheme 2019-2022 Equalities and Fairness Analysis 'No Relevance' Report