

**Report to:** Cabinet

**Date:** 9 July 2020

**Title:** Approval of the Revised Local Development Scheme

**Report of:** Ian Fitzpatrick, Director of Regeneration & Planning

**Cabinet member:** Councillor Emily O'Brien, Cabinet Member for Planning

**Ward(s):** All wards in Lewes District that lie wholly or partially outside of the South Downs National Park

**Purpose of report:** To seek Cabinet endorsement of the Revised Local Development Scheme for approval by Full Council on 20 July 2020

**Decision type:** Budget and policy framework

**Officer recommendation(s):** (1) That Cabinet endorses the Revised Local Development Scheme as set out in Appendix 1, and recommends its approval by Full Council as the Revised Local Development Scheme for that part of Lewes District outside of the South Downs National Park with effect from 20 July 2020;

(2) That Cabinet recommends to Full Council that the approved Revised Local Development Scheme is published by Lewes District Council;

(3) That Cabinet endorses, and recommends to Full Council, the revocation of the previous Local Development Scheme (approved by Lewes District Council on 26 November 2018).

**Reasons for recommendations:** To update the current Local Development Scheme to ensure that it reflects the most up-to-date position regarding the preparation of the Lewes District Local Plan in accordance with the requirements of Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

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## **1 Introduction**

1.1 A Local Development Scheme (LDS) is a requirement for every local planning authority under the Planning and Compulsory Purchase Act 2004 (as amended)

by the Localism Act 2011). It sets out a 3 year programme for preparing development plan documents (DPDs) by a local planning authority. An LDS must be made available to the public and kept up-to-date.

- 1.2 The Council's current LDS was approved in 2018. It contains programmes for preparing the Local Plan Part 1: Joint Core Strategy (LPP1) Review and the Local Plan Part 2: Site Allocations and Development Management Policies DPD (LPP2), setting out the key stages at which the community and relevant stakeholders will be consulted.
- 1.3 There have been two significant changes since the Council approved its current LDS. Firstly, the LPP2 was found 'sound' at examination and adopted by the Council in February 2020. Secondly, it has been necessary to amend the timescale for the LPP1 Review due to recent changes to the planning system at a national level. A revised and updated LDS is therefore required to cover the period from 2020 to 2023.

## **2 Amendments to the LDS**

- 2.1 The LPP1 was adopted in May 2016. It sets out the Council's strategy for the scale and distribution of housing growth and strategic policies to guide development and change over the period to 2030. It is a Government requirement that local plans are reviewed to assess whether their policies need updating at least once every five years. Reviews should be completed no later than five years from the adoption date of the plan.
- 2.2 Accordingly, the approved LDS includes a programme for reviewing and updating the LPP1. At the time, officers considered that the Council would only need to carry out a *partial update* of the LPP1 policies, primarily to take account of the fact that the South Downs Local Plan would eventually replace all the policies for that part of the district within the National Park. The approved LDS anticipated the adoption of a replacement LPP1 by winter 2023
- 2.3 Officers have subsequently reviewed the relevant evidence to identify and consider whether:
  - The vision, strategic objectives and spatial strategy of the LPP1 are being effectively delivered
  - The strategic policies meet current national planning policy requirements
  - There have been any changes to local circumstances with significant implications for the development strategy set out in the LPP1
- 2.4 This evidence included the new National Planning Policy Framework (NPPF) and Planning Practice Guidance, the outputs from the Government's standard methodology in relation to housing need, the Council's Authority Monitoring Report, the Housing Delivery Test results, the current 5 year housing land supply, the Infrastructure Delivery Plan, and changes to the Council's corporate priorities.
- 2.5 The Council currently has a 5 year supply of housing land and its adopted planning policies are on track to deliver the development strategy and other

strategic objectives over the remaining plan period. However, changing circumstances since the adoption of the LPP1 demonstrate the need to undertake a *full update* of the plan. These circumstances are:

- The adoption of the South Downs Local Plan in July 2019
- The publication of the revised NPPF in February 2019
- The introduction of Government's standard method for calculating local housing need results in a significant increase in the district's housing need from May 2021
- The adoption of a new Council Corporate Plan

- 2.6 Most importantly, the NPPF introduces a new standard method of calculating housing need, and instructs local planning authorities to update their strategic policies at least once every five years if their local housing need figure has changed significantly. Applying the Government's standard methodology has resulted in the district's housing needs increasing to 808 dwellings per annum from May 2021. This figure is much higher than the housing requirement set out in the adopted LPP1 (345 dwellings per annum). If there are any changes to the way the Government seeks to justify the Council housing requirement then updates including any revised housing numbers will be circulated.
- 2.7 It should be recognised that the district's identified housing need is only a starting point for determining the appropriate housing delivery requirement over the updated LPP1 period. The NPPF states that strategic policy-making authorities should establish a housing delivery requirement for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met in neighbouring areas) can be met over the plan period.
- 2.8 The housing delivery requirement will involve consideration of the capacity of the plan area for development growth, embracing both environmental capacities and the capacity of existing and planned infrastructure to serve such growth. It must also take into consideration the ability of the district to develop its economic base and provide the job opportunities that will support the sustainable growth and overall prosperity of the area.
- 2.9 It will require the Council to undertake a full re-appraisal of its strategy for growth, including a further exploration of the longer term options for meeting housing need. This work will need to be supported by relevant and up-to-date evidence, some of which will have to be specially commissioned. In view of the potential implications for local communities and stakeholders, there will also be a need for additional consultation and engagement in order to secure the effective representation of a range of interests.
- 2.10 Consequently, the timetable for the LPP1 Review set out in the existing LDS is no longer considered realistic or deliverable. The proposed programme has therefore been amended to allow sufficient time to:
- prepare an up-to-date and robust evidence base
  - undertake additional public consultation on the Council's preferred options for delivering new housing growth over the new plan period

- publish and consult on main modifications, if recommended by the Examination Inspector

2.11 The revised LDS is attached as Appendix 1 to this report. The initial community and stakeholder engagement on the LPP1 Review 'Issues and Options' is now proposed during spring 2021, rather than autumn 2020 as indicated in the approved LDS. The subsequent formal consultation stages have been amended accordingly, including the addition of a further 'Regulation 18' stage on a 'Preferred Options' document. Adoption of the new LPP1 is now anticipated by winter 2023. This revised timetable will meet the Government's deadline for the production of up-to-date plans by December 2023.

### **3 Next Steps**

3.1 Subject to approval by Full Council, the revised LDS will be published on the Councils' website. The LDS will be monitored by officers and progress towards the production of the new LPP1 will be published as part of the annual Authority Monitoring Report.

### **4 Consultation**

4.1 The proposed timetable for reviewing and updating the Local Plan Part 1 was reported to the Council's Local Plan Review Steering Group at its meeting on 12 May 2020. There is no requirement for public consultation prior to approving a revised LDS, which will be published on the Council's web site as soon as it comes into effect.

### **5 Corporate plan and council policies**

5.1 The Council's Corporate Plan aims to have the greenest Local Plan, put sustainability at the heart of local planning processes, identify housing needs, deliver new homes and stabilise local housing markets.

### **6 Business case and alternative option(s) considered**

6.1 No alternative options were considered. The publication of an up-to-date LDS is a requirement for every local planning authority under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

### **7 Financial appraisal**

7.1 There are no additional financial implications as a result of this recommendation. The cost of producing the revised LDS has been met from existing budget revenues and the preparation of the LPP1 Review will continue to be undertaken by the Planning Policy Team, with additional specialist input from other officers or consultants where required, which will be funded within existing resources.

### **8 Legal implications**

8.1 The local planning authority is required to prepare and maintain a scheme to be

known as their local development scheme. To avoid challenge, upon the revision of the 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.

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, and
- (c) up-to-date information showing the state of the authority's compliance (or non-compliance) with the timetable

Legal Implications Provided 08/06/20 009232-LDC-JCS

## **9 Risk management implications**

- 9.1 If the recommendation is not implemented, the Council's approved LDS will be inaccurate and out of date. As all DPDs must be prepared in accordance with an approved LDS, the new LPP1 may be found not legally compliant by the Inspector conducting the examination in public. A DPD which is not legally compliant cannot be formally adopted by the Council.

## **10 Equality analysis**

- 10.1 It is assessed that an Equality Analysis is not required for this report. The revised LDS is the Council's programme for preparing DPDs, it has no equality impact on staff or on members of the public, nor will it affect the way services are organised, planned or delivered. An EaFA will be undertaken prior to the publication of any future DPD prepared by the Council.

## **11 Environmental sustainability implications**

- 11.1 There are no identified environmental sustainability implications to publishing the revised LDS. The LPP1 Review itself is subject to a Sustainability Appraisal incorporating the requirements of the Strategic Environmental Assessment Directive.

## **12 Appendices**

- Appendix 1 - Draft Local Development Scheme 2020

## 13 Background papers

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

- NPPF <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Planning Practice Guidance <https://www.gov.uk/government/collections/planning-practice-guidance>
- Authority Monitoring Report <https://www.lewes-eastbourne.gov.uk/planning-policy/authority-monitoring-report-amr/>
- Housing Delivery Test <https://www.lewes-eastbourne.gov.uk/planning-policy/housing-delivery-test/>
- Infrastructure Delivery Plan <https://www.lewes-eastbourne.gov.uk/planning-policy/community-infrastructure-levy-cil/infrastructure-delivery-plan-and-regulation-123-list/>