

**Report to:** Cabinet

**Date:** 8 December 2022

**Title:** Local Development Scheme (December 2022)

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

**Cabinet member:** Councillor Stephen Gauntlett, Cabinet Member for Planning and Infrastructure

**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 Local Development Scheme update for approval by Full Council

**Decision type:** Budget and policy framework

**Officer recommendation(s):**

- (1) That Cabinet recommends to Full Council that the revised Lewes Local Development Scheme 2023-2025 as set out in Appendix 1 be adopted at the Full Council meeting on 20 February 2023
- (2) That delegated authority is given to the Director of Regeneration and Planning in consultation with the Cabinet Member for Planning and Infrastructure to make minor changes 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 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). The LDS has two main purposes:
- To inform the public about the preparation and adoption of planning documents
  - To establish and reflect the council's priorities and enable work programmes to be set for the preparation of these documents.
- 1.2 An up to date LDS makes clear to local people, developers, landowners and other stakeholders when the key stages of the local plan process will take place and their opportunity to be involved in the Local Plan's preparation.
- 1.3 The Council's current LDS was approved in July 2020 having been revised from the approved 2018 version. It contains the programme for preparing the Local Plan and set out the key stages at which the community and relevant stakeholders would be consulted. It covered the period 2020-2023 and the National Planning Policy Guidance states that an LDS should be reviewed at least annually. It is also important to have the LDS updated regularly as when the Local Plan is at Examination one test to be passed is whether the Local Plan documents have been prepared in accordance with the timetable in the LDS. This LDS will cover the period to 2025.

## **2 Lewes Local Plan**

- 2.1 Having an up-to-date local plan is critical as it enables the council to plan strategically for the development needs of the area whilst balancing other priorities such as environmental protections. While the Lewes Local Plan Part 1 (LPP1 - adopted May 2016) planned for 6,900 dwellings between 2010-2030 (average 345 per annum), the government's introduction of the Standard Method in 2018 increased this to 782 homes across the district. Further changes to the National Planning Policy Framework introduced the need to undertake a review of a local plan every five years. The Lewes Local Plan Part 1 was identified as being more than five-years old by May 2021 and work to review the local plan commenced in 2020.<sup>i</sup> An Issues and Option (I&O) consultation was completed in summer/autumn 2021.
- 2.2 The Issues and Options consultation received a huge volume of representations (approx. 42,000) raising several important issues. A picture emerging from the representations for the plan is a desire to have a clearly defined green theme. The council needs to give full consideration to the complex issues raised as it prepares the next iteration of the Local Plan. Also a total of 66 new sites came forward in response to the 'Call for Sites' exercise, which was undertaken alongside the I&O consultation. The revision to the LDS and the proposed timetable reflects the work needed to achieve this.
- 2.3 In May 2022, the Levelling-up and Regeneration Bill was introduced to Parliament, Significant changes to the local plan preparation process are being proposed, including:

- Moving away from the duty to co-operate, and therefore no longer having a requirement for local planning authorities to meet unmet housing needs from neighbouring authorities
- Amendments to the 5-year housing land supply requirement making it only impact local planning authorities when the local plan is out of date
- Possible changes to how housing targets are calculated
- The intention to have a national set of development management policies to streamline plan-making, allowing local planning authorities to focus on strategy, allocation and location specific issues

2.4 While the Levelling up and Regeneration Bill is currently passing through parliament and is scheduled to complete by April 2023, a draft revised National Planning Policy Framework (NPPF), expected in July 2022 is yet to be published but statements from Government Ministers are still suggesting that these proposals will be forthcoming.

2.5 In the meantime, the National Planning Policy Framework (NPPF) updated in July 2021 continues to include a strong expectation that Local Planning Authorities will prepare plans that positively seek opportunities to meet the development needs of their area. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for a number of key land uses. These are housing (including affordable housing), employment, retail, leisure and other commercial development, infrastructure for transport and other key utilities, community facilities, and the conservation and enhancement of the natural, built and historic environment including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation

### **Implications for the Local Plan timetable**

2.6 The amended LDS includes the following main change:

- Updates to the timetable of the Lewes Local Plan work programme

2.7 The published LDS timetable anticipated the Local Plan being adopted in December 2023, with a 'preferred options' consultation taking place in 2021 and the publication of the Proposed Submission document ready in Autumn 2022. Since the publication of the July 2020 LDS, although work has been progressing on the 'Preferred Option' version of the Local Plan, the combination of a significant staff turnover in the planning policy team; the ongoing recruitment challenges to fully resource the team; and further national lockdown in 2021 has meant that delays (especially in the evidence gathering) to the work as originally envisaged necessitates a review of the July 2020 LDS.

2.8 The publication version Local Plan will have incorporated a (wide) range of changes made during the earlier preparatory stages and consultations, the commissioned evidence and national planning reforms. Depending on how the draft plan progresses, it may be necessary to add additional stages to those in the table. Any additional consultation stages would impact on the timetable and the LDS would need to be revised further. In addition, the uncertainty created by

the overdue revised NPPF and the Levelling-up and Regeneration Bill will potentially mean there are further delays to the programme.

- 2.9 The timetable below is intended to allow for work to understand the implications of the emerging evidence and national policy changes. Further owing to local elections in 2023, a period of purdah between March and May has also informed the timeframe. While, the evidence may be approaching completion prior to the purdah period, the council's committee cycle would mean that the six-week public consultation period would run into the purdah period.

<b>Stage</b>	<b>Existing Milestones in adopted LDS</b>	<b>Proposed Milestones</b>
Preferred Option (Reg. 18)	Autumn 2021	Autumn 2023
Draft Plan consultation (Reg. 18)	-	Spring 2024
Publication (of pre-submission plan) and consultation (Reg. 19)	Autumn 2022	Winter 2024
Submission to Secretary of State (Reg. 22)	By or before Winter 2023	Spring 2025
Examination in Public (Reg. 24)	By or before Winter 2023	*Autumn/Winter 2025
Adoption and Publication (Reg. 26)	By or before Winter 2023	* Subject to progress of independent Examination

- 2.10 Accordingly, the revised LDS timetable would see a postponement of the Preferred Option consultation to Autumn 2023, approximately 2 years later than that which is in the published LDS. Upon submission of the Local Plan to the Inspectorate the remainder of the plan-making processes/timetable are in the hands of the Inspectorate, nevertheless, it would be a material consideration (albeit with reduced weight).

### **3 Outcome expected and performance management**

- 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 Local Plan will be published as part of the annual Authority Monitoring Report.

### **4 Consultation**

- 4.1 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 Not preparing a Local Plan is not an option and is not 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 This is an amendment to the timetable for the preparation of Lewes Local Plan. There are financial implications associated with preparing the documents set out within the LDS and these are being met through existing budgets.

## **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 0711/22 - 011540-LDC-JCS

## **9 Risk management implications**

- 9.1 Not maintaining an up to date LDS will mean that the council's approved LDS will be inaccurate and could have negative consequences for the examination of the Lewes Local Plan. A Development Plan Document which is not legally compliant cannot be formally adopted by the Council.

## **10 Equality analysis**

- 10.1 An Equality Analysis is not required for the LDS as it is the project plan for preparing planning documents (DPDs) and does not in itself contain any

policies. The Lewes Local Plan will be subject to Equalities Analysis at the appropriate statutory plan making stages.

## **11 Environmental sustainability implications**

11.1 One of the roles of a local plan is to manage where development takes place and what form that development takes. The new Local Plan will ensure that, through the opportunities it provides, developments respond to the climate and ecological emergencies the council has declared. The revised LDS though has no identified environmental sustainability implications.

## **12 Contribution to Community Wealth Building**

12.1 This is an amendment to the timetable for the production of the Lewes Local Plan and is not in itself contributing to Community Wealth Building.

## **13 Appendices**

- Appendix 1 – Local Development Scheme (update Dec 2022)

## **14 Background papers**

14.1 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>
- Lewes District Council Revised Local Development Scheme (LDS), July 2020

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<sup>i</sup> Local Plan Part 2 (LPP2) site allocations and Development Management Policies was adopted in February 2020.