

**Report to:** Cabinet

**Date:** 6 February 2025

**Title:** Local Development Scheme (January 2025)

**Report of:** Robert Cottrill, Chief Executive

**Cabinet member:** Councillor Laurence O'Connor, 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 acknowledge the revised timetable, as set out in the updated Local Development Scheme, for the preparation of the Lewes Local Plan (ie for the planning authority area outside the South Downs National Park), and recommends it for approval by Full Council and resolve that it will come into effect the day after the Full Council meeting and be published on the council's website.
- (2) The delegated authority is provided to the Chief Executive in consultation with the Cabinet Member for Planning and Infrastructure to make minor and presentational updates to the LDS where necessary

**Reasons for recommendations:** To enable the publication of the updated Local Development Scheme outlining the revised timetable for the preparation of the Lewes District Local Plan, and other planning documents as required by 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). The LDS has two main purposes:
- To inform the public about the preparation and adoption of planning documents (including setting out a timetable with key milestones)
  - To establish and reflect the council's priorities and enable work programmes to be set for the preparation of these documents.
- 1.2 The LDS is the document through which the local planning authority 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 On 12 December 2024, the Government published a new National Planning Policy Framework (NPPF, December 2024) and through the Written Ministerial Statement (WMS) set out a requirement for local planning authorities to provide it with an updated LDS within 12 weeks of the publication of the NPPF. ie no later than 6 March 2025.
- 1.4 The government has made clear, through the NPPF and WMS, its commitment to universal local plan coverage by the end of this parliament; requiring updated LDS setting out clear, realistic and specific dates for preparing a local plan, and its intention to use its full intervention powers and take over plan making where it deems a local authority is not progressing its local plan sufficiently.
- 1.5 The Council's current LDS was approved in December 2022. It contains the three-year programme for preparing the Local Plan and covered the period 2022-2025. The new LDS will cover the period to end of 2027, including the remaining stages for the local plan that is under preparation.

## 2. Lewes Local Plan

- 2.1 Work on preparing the new local plan began in 2020 and since then two public consultations at the Issues and Options, and the Preferred Options stages, both under Regulation 18 have been completed. A third public consultation on a limited number of early site allocation proposals and a full set of detailed policies is currently underway. The eight-week public consultation starts on January 6 and is scheduled to finish on 28 February.
- 2.2 A central tenet of local plan-making is the need to:
- objectively establish housing needs ('policy-off', *Local Housing Need*); and
  - then develop a policy response to those needs (*housing requirement*).

The NPPF, with reference to (i) states that this should be established via the Standard Methodology (SM). With regards to (ii), a housing requirement that meets the Local Housing Need (LHN) is expected to be met, but in certain circumstances it may be appropriate to set a housing requirement that departs from the LHN.

- 2.3 The Preferred Option consultation (Winter 2023) had concluded a housing range below the housing need based on an assessment of sites included in the Land Availability Assessment and available evidence. Work since then has progressed on taking the plan forward and detailed policies have been developed. However, due to a change in government; an autumn consultation on the NPPF, including the proposal to make the revised Standard Methodology mandatory; an associated increase in the LHN and, the absence of updated evidence including transport, the current consultation has also not identified a housing requirement for the plan.
- 2.4 Furthermore, the Autumn NPPF consultation's inclusion of an updated SM algorithm resulted in the increase in the LHN from 777 dwellings per annum (dpa) (plan area: 602 dpa) to 838dpa (plan area: 638) for the entirety of the district (including the area covered by the National Park).<sup>1</sup> The published NPPF (December 2024) sees a further increase in the LHN for the district to 853dpa (plan area: 657dpa).
- 2.5 Additionally, in the Autumn consultation it was proposed that the deadline by which plans can be submitted for examination under the existing system would be extended to December 2026, and this has been carried through. Also, the Government has clarified that it will continue with the reforms to the plan-making system that were first consulted on by the previous Government and will introduce its own further changes through the Planning and Regeneration Bill which is expected later in 2025.

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

- 2.6 While it was intended to update the LDS following the conclusion of the current consultation, the government's requirement means that we are having to bring forward this update to the LDS.  
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 submitted to the Secretary of State for Examination in Spring 2025. With the flux in national policy over the past year; a new government with a determined approach to increasing house building; a new NPPF which sets a higher bar test for meeting local housing need, and a need to commission critical evidence to support the local plan, a new timetable is being set out for the remaining stages of the local plan.
- 2.8 The timetable below is intended to allow for work to understand the implications of the emerging evidence and national policy changes. Among the national policy changes is requirement to identify the housing needs of particular groups, which will mean recommissioning the Housing Evidence.

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<sup>1</sup> The council set out its approach to disaggregating the LHN in the [Approach to local housing need for Lewes district outside the South Downs National Park for the purposes of the five-year housing land supply](#) paper in May 2021. Agreement from the SDNP will be important and discussions are ongoing under Duty to Cooperate.

This is an indicative timetable as we move the plan forward in the local plan's development and may be subject to further changes. The revised milestones are:

- Local Plan Phase 1 consultation (Reg. 18): **Winter 2024/5**
- Local Plan Phase 2 consultation (Reg. 18): **Autumn 2025**
- Proposed Submission version consultation (Reg.19): **Spring 2026**
- Submission to the Secretary of State (Reg 22): **Summer 2026**
- Examination in Public (Reg.24): **Autumn 2026**
- Adoption (Reg 26): *Subject to progress at EIP winter 2026/7*

2.9 The publication version Local Plan will have to incorporate a (wide) range of changes made during the earlier preparatory stages and consultations, the commissioned evidence and further national planning reforms, including government's proposals to introduce strategic level planning, as well as any further reforms introduced in 2025.

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

3.1 Subject to approval by Full Council, the revised LDS will be published on the Councils' website and a copy will be sent to the Ministry of Housing, Communities and Local Government (MHCLG). 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, and as such there will be budgetary implications. The financial implications associated with preparing the documents set out within the previous LDS, are being met through existing budgets for the works that were set in the original LDS, but there will need to be additional resources for the additional Phase 2 consultation, the need to update already prepared evidence in light of National

Planning Policy changes and the extended timeframe to support finalisation of the plan and examination.

## **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 Implication reviewed 06.01.25 013682-LDC-JCS

## **9 Risk management implications**

- 9.1 Not updating the LDS and submitting it to the government by its deadline risk intervention from the government with a potential loss of plan making powers. In the autumn 2024 consultation on the NPPF, the government proposals to relaxing the criteria for intervention. It has carried these through into the new NPPF.

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 January 2025)

## **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), December 2022
- [Approach to Local Housing Need](#) for Lewes District outside the National Park, May 2021.