

COMMITTEE	CABINET
DATE	8 February 2017
SUBJECT	Local Development Scheme 2017-2020
REPORT OF	Director of Regeneration and Planning

Ward(s) All

Purpose To seek Cabinet endorsement of the Local Development Scheme 2017-2020 in order to allow formal adoption at Full Council on 22 February 2017.

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Recommendations That Cabinet recommend to Full Council:

1. That Eastbourne Borough Council adopts the Local Development Scheme 2017-2020 as set out in Appendix 1.
2. That any minor or technical adjustments to the Local Development Scheme found necessary be delegated to the Director of Regeneration and Planning in consultation with the Cabinet portfolio holder.

1.0 Introduction

- 1.1 The Local Development Scheme (LDS) is the Council's timetable for the production of planning policy documents. It covers a three year period from 2017-2020 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 specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. The LDS must be made publicly available and kept up-to-date.
- 1.3 The current LDS was approved in February 2016. 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.

1.4 The Government have introduced monitoring of progress in local plan preparation. This monitoring will take place through the LDS, so therefore it is necessary to amend the LDS to ensure that it is up-to-date by April 2017.

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 22 February 2017.

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 main document in Eastbourne's current Local Plan is the Core Strategy, which was adopted in 2013. The Core Strategy identifies that 5,022 new dwellings should be provided in Eastbourne over the period from 2006-2027. The Core Strategy contains planning policies to manage the delivery of development, including the meeting of the housing requirement.

2.3 The National Planning Policy Framework (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 that a local plan is likely to require updating in whole or in part at least every five years.

2.4 As at 31 October 2016, Eastbourne had a 3.47 year supply of housing land. The NPPF outlines that the absence of a five-year housing land supply means that our Local Plan policies cannot be considered to be up-to-date.

2.5 The implications of not having an up to date Local Plan are that the Council may lose control over what development takes place in the Borough. The Five Year Housing Land Supply is a material planning consideration in the determination of planning applications, and if the Council is unable to demonstrate a five year supply of housing land there is a significant risk that refusals of planning permission for residential development could be overturned on appeal. Appeal losses can result in unbalanced distribution of development, development in areas considered unsuitable by the Council, and lower levels of funding for affordable housing, community facilities and service infrastructure, as well as costs being awarded against the Council as a result of losing the appeals.

2.6 The AMR identifies that a total of 2,373 dwellings have been delivered since the start of the Core Strategy plan period. The annual target across the plan

period is 240 dwellings, which means that by the end of 2015/16, a total of 2,400 units should have been built. 2015/16 was the first year that the delivery rate has fallen below the cumulative annual target. This is due to a reduction in housing delivery rates over recent years.

- 2.7 The absence of a five year housing land supply, continued under-delivery of housing and the fact that the current Local Plan is already four years old demonstrate the need for the Council to prepare a new Eastbourne Local Plan.
- 2.8 In 2015, the Government committed to take action to get plans in place and ensure plans have up to date policies by:
- publishing league tables, setting out local authorities' progress on their local plans;
 - intervening where no local plan has been produced by early 2017, to arrange for the plan to be written, in consultation with local people, to accelerate production of a local plan; and
 - establishing a new delivery test on local authorities, to ensure delivery against the number of homes set out in local plans.
- 2.9 In those instances where progress is not being made on producing Local Plans, the Government intend to intervene to ensure plans with up-to-date policies are put in place in consultation with local communities using powers under the Planning & Compulsory Purchase Act 2004. Where it is necessary to intervene, the Government will take over responsibility for the remaining process of plan-making by appointing an external party to undertake the work.
- 2.10 The Government monitor progress of each local authority's Local Plan preparation through their Local Development Schemes. Therefore it is important that the LDS reflects an achievable timetable for preparation of the Local Plan, and that this timetable is adhered to.

3.0 Progress against 2016 LDS

- 3.1 Progress against the LDS timetable is monitored on an annual basis through the AMR. The AMR covering the financial year 2015/16 was published in December 2016.
- 3.2 The 2016 LDS identified the production of a Core Strategy Policy Review on Affordable Housing to address changes in national policy relating to affordable housing requirements.
- 3.3 However, it has since been identified that these issues could be adequately addressed through the preparation of an Affordable Housing Supplementary Planning Document (SPD), and therefore a Core Strategy Policy Review on Affordable Housing is no longer being progressed. This allowed resources to

be concentrated on the examination of the Employment Land Local Plan that took place in summer 2016.

3.4 Current progress on new Local Plan

3.4.1 Work on the production of the new Local Plan has commenced through the gathering of evidence to inform what the Local Plan needs to address. The following evidence studies are currently being prepared, as the first stage in the preparation of the Local Plan:

- Strategic Housing Market Assessment (*SHMA*) – an assessment of the objectively assessed housing need in Eastbourne.
- Strategic Housing & Employment Land Availability Assessment (*SHELAA*) – an assessment of the amount of land that is potentially developable based on each site's *suitability, availability* and *achievability*.
- Strategic Flood Risk Assessment (*SFRA*) – an assessment of the level of flood risk in Eastbourne from tidal, fluvial, surface water and groundwater flooding.
- Eastbourne Park Flood Storage Scheme Review – a review of the capacity of the flood storage in Eastbourne Park to identify if additional capacity will be needed and how it could be provided.
- Community Facilities Assessment – an assessment of the current quantity and quality of community facilities and future needs.

4.0 Future Work Programme

4.1 A new LDS covering the period from 2017 to 2020 is provided at Appendix 1.

4.2 Local Plan

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

- Evidence gathering and on-going engagement: July 2016 – July 2017
- Issues and Options Consultation: October – November 2017
- Publication: September 2018
- Submission: January 2019
- Examination: May 2019
- Adoption: November 2019

4.3 Other Documents

4.3.1 *Statement of Community Involvement (SCI)*

The SCI explains to stakeholders and the community how they can be involved in the preparation of Local Plans, and the steps that will be taken to facilitate their involvement. Before consultation on the Local Plan takes place, the existing SCI (adopted 2006) needs to be updated. A new version will be

published for consultation in March, with adoption anticipated in July before the Local Plan Issues & Options consultation.

4.3.2 *Community Infrastructure Levy (CIL) Charging Schedule*

CIL is a charge which local authorities are empowered to charge on types of new development in their area, with the proceeds being spent on infrastructure to support the development of the area. The Charging Schedule sets out how much different types of development will be charged. It is intended that a review of the CIL Charging Schedule will be undertaken with the intention to allocate a CIL charge for apartments, which are currently exempt from CIL under the existing charging schedule. It is anticipated that this will commence in late 2017 and be adopted by mid 2019.

4.3.3 *Tourist Accommodation Retention SPD*

Changes in the tourism market and the expectations of overnight visitors have meant that current policy relating to tourist accommodation is out of date. This Supplementary Planning Document will provide a new interpretation of existing planning policies relating to tourist accommodation. Consultation has already taken place, and this is due for adoption in February.

4.3.4 *Affordable Housing SPD*

The current adopted policy relating to affordable housing is not consistent with recent changes in national policy on affordable housing requirements. This Supplementary Planning Document will provide an update to the implementation of Core Strategy Policy D5: Housing in relation to securing affordable housing in development. A draft SPD will be published for consultation in May 2017, and it is anticipated that it will be adopted in November 2017.

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.

6.0 Implications

6.1 Legal Implications

6.1.1 A Local Development Scheme is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). It is a legal requirement in the examination of a Local Plan that the Local Plan being examined is listed within an approved LDS.

6.1.2 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 16.1.17. Legal ref: 005954-EBC-OD*).

6.2 Financial Implications

6.2.1 The work programme identified in the LDS will be funded through an annual base budget of £20,000. Service and Financial Planning has identified a need for an additional £65,000 for 2017/18 and £75,000 for 2018/19 to cover the costs of specialist evidence studies to inform the preparation of the Local Plan.

6.3 Human Resource Implications

6.3.1 The Planning Policy service area will be responsible for progressing the work programme set out in the LDS.

7.0 Conclusion

7.1 The current LDS (Feb 2016) is no longer up-to-date and needs to be revised to take into account changes in circumstance and timetable relating to Local Plan production.

7.2 A new LDS has been prepared, covering the period 2017-2020. This focuses on the production of a new Local Plan, which is anticipated to be adopted towards the end of 2019.

7.3 Cabinet are requested to recommend to Full Council that the LDS be formally adopted at the Full Council meeting on 22 February 2017.

Background Papers:

- Draft Local Development Scheme 2017-2020 (EBC, February 2017)
- Local Development Scheme 2016-2019 (EBC, February 2016)
- Eastbourne Authority Monitoring Report 2015/16 (EBC, December 2016)
- National Planning Policy Framework (DCLG, 2012)

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.

Appendix 1 – Local Development Scheme 2017-2020