

Agenda Item No: 10

Report To: CABINET

Date of Meeting: 11th May 2017

Report Title: Local Development Scheme (LDS) Update 2017

Report Author & Job Title: Carly Pettit, Policy Planner

Portfolio Holder Cllr. Clokie, Portfolio Holder for Planning and Development
Portfolio Holder for:

Summary:

The draft LDS 2017 sets out the revised project plan and timetable for preparation of the Local Plan 2030 and Gypsy and Traveller Accommodation DPDs until the end of 2019.

The LDS is required under legislation and compliance with it is a matter of 'soundness' for Development Plan Documents (DPD's). It is therefore essential that it is kept up to date.

The draft LDS 2017 and revised timetable conforms with the regulations and has been discussed with Local Plan and Planning Policy Task Group

Key Decision: NO

Significantly Affected Wards: All

Recommendations: **The Cabinet is recommended to:-**

- i. Recommend to Full Council the adoption of the Local Development Scheme 2017, as required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).**

Policy Overview: An up to date LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 Section 15 (as amended by the Localism Act 2011) which is also accompanied by a number of detailed regulations. This revised LDS is in accordance with this legislation.

Financial Implications: None

Legal Implications Compliance with the adopted LDS timetable is a test of soundness for DPD's at Examination Stage.

Equalities Impact Assessment Not required as no policy changes proposed.

Other Material Implications:	None
Exempt from Publication:	NO
Background Papers:	Draft Local Development Scheme (LDS) May 2017 (attached)
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Report Title: Local Development Scheme (LDS) 2017 Update

Introduction and Background

1. The Local Development Scheme (LDS) sets out the scope and project timetable for the production of the Local development plan documents. The LDS enables the local community to find out about planning policies for their area and sets out the timetable for the production of the future Local Plan documents, giving dates for key production and public consultation stages as well as outlining the subject matter and the geographical extent.
2. The production of an LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and is accompanied by a number of detailed regulations. Compliance with the adopted LDS timetable is a test of soundness for Development Plan Documents (DPDs) at Examination stage, and therefore it is essential that it is kept up to date.

Proposal/Current Position

3. The current adopted LDS was published in 2015 and contains a timetable for the Local Plan 2030 and Community Infrastructure Levy (CIL) which is now out of date. In addition, it has been recently agreed at LPPPTG that a separate DPD will be produced to specifically deal with the allocation of Gypsy and Traveller sites, which will support the Local Plan. It is therefore necessary to update the LDS to reflect the current position and propose revised timetables.
4. A number of issues have arisen since the adoption of the 2015 LDS, including the revised population projections for the borough and the recent announcements in the Government White Paper relating to plan production and CIL. In addition to this, a number of issues were raised by consultees during the public consultation on the Regulation 19 version of the Local Plan that was held over summer 2016, which taken together, lead to a number of proposed changes being required to the draft Local Plan and its supporting evidence base, which must be consulted on publicly before the document can be submitted to the government for Examination.
5. In light of these proposed changes, consultation on the Regulation 19 version of the Local Plan which is now required. The updated timetable for the Local Plan 2030 is set out below:
 - Proposed Main Changes consultation on the draft Local Plan (Regulation 19) – Summer 2017
 - Submission of the Final version of the Local Plan (Regulation 22) – December 2017
 - Examination in Public – Spring 2018
 - Inspectors Report and Adoption– Summer 2018
6. A new timetable has been included for the production of a separate Gypsy and Traveller DPD, which will commence Regulation 18, initial consultation and

evidence gathering, in late 2017. Adoption is expected in early 2019. This new DPD will support the Local Plan 2030 topic and site policies on this subject.

7. In addition, the LDS has been updated to reflect the current position on the Community Infrastructure Levy (CIL), and removes it from the timetable at present until the Government provide a clearer steer on how this should be progressed and the document also contains revisions relating to the existing DPD's, including the adoption of the Chilmington Design Code SPD, and the recently adopted Neighbourhood Plans for Wye and Pluckley.

Implications and Risk Assessment

8. To ensure that the Local Plan 2030 remains in conformity with the adopted LDS, the targets and milestones contained within the LDS Timetable will be analysed annually as part of the Authority Monitoring Report and 6 monthly development update process. These updates can then form an addition to the LDS presented at Examination stage.

Equalities Impact Assessment

9. Not required as no policy changes proposed.

Consultation Planned or Undertaken

10. The Local Plan and Planning Policy Task Group have discussed prior to Cabinet. There is no requirement for public consultation on the LDS.

Other Options Considered

11. Production of an up to date LDS is a statutory requirement, and therefore is not optional.

Reasons for Supporting Option Recommended

12. The Local Plan timetable that is set out in the current LDS is now out of date and has consequently been amended in this new version of the LDS to reflect the updated position. This will remove the risk that at examination the Local Plan will not be found "unsound" on the basis that it does not comply with our approved timetable.

Next Steps in Process

13. If the Cabinet agree the recommendation, then it will be for the Full Council to approve the revised LDS and timetable.
14. In addition, the relevant regulations require the borough council to publish the revised LDS on the council's website, and within the local libraries for information.

Conclusion

15. The revision of the LDS is essential to meet the requirements set out in Regulations, particularly relating to the Local Plan to 2030 and 'soundness' at Examination and also provides a useful tool to measure the current DPD's and progress and milestones of the future DPDs preparation.

Portfolio Holder's Views – Cllr Clokie

16. Ashford Borough Council has a requirement under the Planning and Compulsory Purchase Act (2004) to prepare, publish and monitor a Local Development Scheme for the Borough. Therefore, due to the ongoing preparation of the Local Plan and proposed changes consultation, it seems timely that the LDS is reviewed at this stage due to the proposed changes on the Local Plan. I fully endorse the timetable contained within the scheme, which clarifies the stages of preparation of the Local Plan 2030 and Gypsy and Traveller Accommodation DPD whilst providing milestones to work towards.

Contact and Email

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Ashford Borough Council

Local Development Scheme (LDS)

DRAFT - May 2017



Introduction

Ashford Borough Council is required to prepare and maintain a Local Development Scheme (LDS) in accordance with the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

(2)The scheme must specify—

- a) The local development documents which are to be development plan documents;
- b) The subject matter and geographical area to which each development plan document is to relate;
- c) Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
- d) Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under section 29;
- e) The timetable for the preparation and revision of the development plan documents

Planning and Compulsory Purchase Act 2004 (Section 15)

The LDS is a project plan that sets out the timetable for the production of new or revised Development Plan Documents which will form the Council's Local Development Plan. This LDS, which supersedes all previous versions, sets out a planning work programme for the Council over a two year period to 2018. It will be reviewed annually through the Authority Monitoring Report which can found here: <http://www.ashford.gov.uk/authority-monitoring-reports>

The Council produced its first LDS in March 2005, followed by subsequent schemes in July 2008, December 2010, July 2014, September 2015 and this most recent document in May 2017. In accordance with Regulations, all formerly adopted LDS timetables can be reviewed at Appendix 3¹.

¹ It should be noted that the scheme and timescales within it have evolved over recent years largely to accommodate the introduction of the National Planning Policy Framework (NPPF) and the move toward a single Local Plan system.

The current adopted development plan documents:

Development Plan Documents (Local Development Framework)

The current adopted statutory development plans for the Borough are:

- **Core Strategy (2008)**
The Core Strategy is the principal development plan document for the Borough and sets out the overall vision and strategic objectives for the delivery of growth in Ashford between 2006 and 2021.
- **Town Centre Area Action Plan (2010)**
The Area Action Plan sets out the overall strategy for the future of the Town Centre and makes site specific allocations; it covers the period from 2009 to 2021.
- **Tenterden and Rural Sites DPD (2010)**
This development plan document incorporates topic policies and makes site allocations for residential development in Tenterden and other rural settlements. The plan covers the period from 2006 to 2021.
- **Urban Sites and Infrastructure DPD (2012)**
Covering the urban area but, excluding the town centre and the proposed urban extensions to the town. This DPD makes site allocations for housing and other uses in addition to including a number of topic policies. The DPD covers the period from 2010 to 2017.
- **Chilmington Green Area Action Plan (2013)**
The AAP provides a policy framework to deliver up to 5,750 new homes and 1,000 new jobs over the next 25 years at Chilmington Green. The AAP contains topic policies for community infrastructure, transport improvements, ecology and provides a framework for different character areas.

Supplementary Planning Documents (SPD)

The current supplementary planning documents (SPD) for the Borough are:

- Affordable Housing SPD (2009)
- Residential Parking SPD (2010)
- Sustainable Drainage SPD (2010)
- Residential Space and Layout SPD (2011)
- Landscape Character SPD (2011)
- Public Green Spaces and Water Environment SPD (2012)
- Sustainable Design and Construction SPD (2012)
- Stables, Arenas and other Horse Related Development SPD (2014)
- Dark Skies SPD (2014)
- Chilmington Design Code SPD (2016)

Saved Local Plan 2000 Policies and SPG

The Council also has a number of adopted 'saved' policies left over from the Borough Local Plan 2000. The full list of 'saved' policies can be viewed via the Council website at: <http://www.ashford.gov.uk/borough-local-plan-2000>

Similarly, the Council has a number of Supplementary Planning Guidance (SPG) documents which support policies in the Borough Local Plan 2000 and provide more detailed advice on particular topics. SPG is available to view on the Council's website at: <http://www.ashford.gov.uk/borough-local-plan-2000>

Other relevant documents

Statement of Community Involvement

The Ashford Statement of Community Involvement (SCI) was adopted in October 2013. The SCI sets out how the planning department intends to achieve community involvement, public participation and cooperation in all planning matters, including the preparation of local development documents, supplementary planning documents and arrangements for consultation on planning applications.

Authority Monitoring Report

The Council publishes up-to-date authority monitoring information on its website. Not only does this information provide updates on the status of the LDS timetable, it also sets out the progress of the Local Plan 2030, reports on public consultations and duty-to-cooperate consultations, provides an update on neighbourhood planning within the Borough and details borough-wide statistics on planning topic areas such as housing, employment, population, community, health, education, environment and transport. The Authority Monitoring Report webpage can be viewed at: <http://www.ashford.gov.uk/authority-monitoring-reports>

Policies Map

Finally, the Council is required to produce a Policies Map which shows the location of proposals in all current, adopted local development documents on an Ordnance Survey based map. The map is web based and is kept up-to-date and reflects current adopted policies within the Borough. The Adopted Policies Map is available to view on the Council's website at: <http://www.ashford.gov.uk/maps>

Neighbourhood Plans

There are a number of Neighbourhood Plan Area Designations across the borough. Once adopted, Neighbourhood plans form part of the development plan. These are not programmed by the local authority and therefore are not included within this LDS project timetable. More information can be found at: <http://www.ashford.gov.uk/neighbourhood-plans>

The emerging development plans:

Local Plan 2030

The Local Plan 2030 will set the vision and framework for future development of the whole of the Ashford Borough to 2030. This will include addressing local housing need, the economy, environmental considerations, community infrastructure as well as strategic infrastructure needs. The plan will make site specific allocations to meet identified need, and provide detailed topic policies to guide future planning applications (which will be a single document and replace all but one of the current development plan documents). The geographical area covered by the Local Plan 2030 is set out in Appendix 1.

Stages of local plan 2030 preparation

The plan making process is ongoing and the preparatory work on the Local Plan 2030 began in early 2011 and therefore the plan period is 2011 to 2030. There are several key stages in the preparation of the Local Plan, each are subject to the SEA Directive which will be incorporated into the Sustainability Appraisal:

Pre-publication stage (Regulation 18)

This initial stage involved extensive evidence gathering, engaging with the local community, businesses and stakeholders on emerging issues and options, consulting with statutory environmental consultees on the scope of the sustainability appraisal, and infrastructure providers with regards to development options. *This Stage was undertaken between 2012 and 2015.*

Publication of Submission Draft Local Plan (Regulation 19)

The Council published a draft version of the Local Plan 2030 and invited representations in accordance with Regulation 19, in summer 2016. However, following this stage, new household projections were published, requiring a review of the background evidence supporting the plan. This review has resulted in an increase in the objectively assessed need for housing and therefore a need to find additional land to ensure the Local Plan meets the requirements of the NPPF. A further Regulation 19 consultation is therefore required on **proposed main changes** to the Local Plan. *This is scheduled for summer 2017.*

Submission and Examination of the Local Plan (Regulation 22)

Following regulation 19 stage, the next stage is for the Council to formally submit the draft Local Plan 2030 and evidence base to the Planning Inspectorate for examination on behalf of the Secretary of State. An Independent Planning Inspector will assess the Plan against the tests of soundness contained in the NPPF, taking account of any representations (comments) received. *This is scheduled for December 2017.*

Adoption

If the Plan is found to be 'sound', the Council may adopt the Plan as soon as practicable following receipt of the Inspector's report unless the Secretary of State intervenes. Once adopted, the Local Plan 2030 will form the main part of the statutory development plan for the borough. *This is expected by summer 2018, following the receipt of the Inspectors Report.*

The complete timetable and 'key milestones' for the production of the Local Plan 2030 are set out in Appendix 2.

Community Infrastructure Levy (CIL)

CIL is a mechanism introduced under the Planning Act 2008 to provide a more consistent approach to determining financial contributions from new development towards local infrastructure provision. It was intended that the Council would progress the CIL Charging schedule alongside the development of an Infrastructure Delivery Plan to support the Local Plan 2030, and it went out for 8 week public consultation in the summer 2016 alongside the Regulation 19 version of the Local Plan 2030.

However, due to recent (2017) announcements from National Government relating to the implementation of CIL, the Council has placed further production of this document on hold until these issues are resolved. Production of the CIL Charging Schedule is therefore removed from the revised 2017 timetable.

Gypsy and Traveller Accommodation DPD

To enable the Council to re-run a specific 'call for Gypsy & Traveller sites' process, and to ensure an up to date evidence base on the topic of Gypsy and Travellers accommodation, it is now the Council's intention to produce a specific DPD relating to the subject, which will support the Local Plan 2030. The DPD will aim to up date the evidence base and identify further sites for allocation. The initial consultation and evidence gathering stages will commence in late 2017, with proposed Adoption planned for early 2019.

Chilmington Green AAP

The adopted Chilmington Green Area Action Plan (July 2013) will be saved and continue to form part of the development plan for the Borough after Local Plan 2030 adoption. This document is unlikely to require a review as the outline planning application and section 106 agreement for the development area were completed in late 2016.

Joint working

The Council is increasingly liaising with neighbouring authorities and key stakeholders under the requirements of the Duty-to-Cooperate introduced by the NPPF in 2012. There are some long standing groups that the Council uses to share best practice and help deliver cross-district issues such as the Ashford Water Group, and the Kent Planning Officers Group. In particular, the Council is working with neighbouring districts in East Kent on identifying shared issues and infrastructure needs. The Council is also represented on other strategic Duty to Cooperate bodies such as the Local Nature Partnership and has regular meetings with other stakeholders and infrastructure providers.

The Council jointly commissioned a Strategic Housing Market Assessment (SHMA) with Tonbridge and Malling Borough Council and Maidstone Borough Council to help establish a consistent basis for this important part of a Local Plan's evidence base across district boundaries. The Ashford SHMA was first published on the ABC website in February 2014 and has since been updated (January 2017) to reflect implications of the 2014-based Household Projections.

Appendix 1 – Boundary of Ashford Borough Local Plan 2030 and Gypsy and Travellers Accommodation DPD coverage (Borough-wide)



Appendix 2 – Adopted LDS Timetable (May 2017)

Local Plan 2030 and Gypsy and Travellers Accommodation DPD – Timetable to 2019

DPD	2016				2017				2018				2019			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Local Plan 2030			Reg 19 - Public Consultation				Reg 19 - Main Changes Consultation					EIP	R	A		
Gypsy & Traveller DPD								Reg 18 - Public Consultation		Reg 19 - Public Consultation			Reg 22 - Submission	EIP	R	A

KEY

	Regulation 18 - Initial Consultations and evidence gathering
	Regulation 19 - Publication of Draft DPD
	Regulation 19 - Main Changes to Draft DPD
	Regulation 22 - Submission of document to Secretary of State; EIP = Examination Hearing; R = Inspector's Final Report
A	Adoption of Development Plan Document

Appendix 3 – Previous Local Development Scheme Timetables (now superseded)

LDS Timetable March 2005

Table 1: Timetable for the Preparation of the Ashford Local Development Framework - 2005 - 2008

PO = Preferred Options S = Submission Document E = Examination IR = Inspector's Report A = Adoption R = Review DPD = Development Plan Document SPD = Supplementary Planning Document SEA = Strategic Environmental Appraisal SA = Sustainability Appraisal

LDF Document	2005												2006												2007												2008																																				
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D																									
Local Development Scheme			S									R												R													R																																				
Statement of Community Involvement			S					E		A																																																															
Core Strategy DPD			PO									S									E			IR		A																																															
SEA / SA			PO									S																																																													
Design Codes SPD												S																									A																																				
Ashford Town Centre AAP - DPD								PO													S																E											IR	A																								
SEA / SA								PO													S																																																				
Town Centre Design Guide SPD												S																									A																																				
Phase I Urban Development sites and infrastructure DPD												PO									S																E											IR	A																								
SEA / SA												PO									S																																																				
Phase II - Ashford Growth Area Action Plans																																					S											E												IR	A												
SEA / SA																																					S																																				
Phase III - site allocation (rural sites) and Tenterden DPD																																					S											E												IR	A												
SEA / SA																																					S																																				
Phase IV - site allocation DPD																																					S											E												IR	A												
SEA / SA																																					S																																				
Generic DC policy DPD																																					PO											S												E												IR	A
SEA / SA																																					PO											S																									
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D																									
	2005												2006												2007												2008																																				

LDS Review Timetable July 2008

Timetable for the Preparation of the Ashford Local Development Framework – 2008 – 2011

Key: C = Consultation on scope of SA, P = Publication of submission DPD for consultation or Publication of draft SPD for consultation (as appropriate), S = Submission of DPD to Secretary of State, A = Adoption, 1 = Pre Hearing Meeting, 2 = Hearing Sessions Open, 3 = Inspector Report Fact Check, 4 = Inspector Report Final.

LDF Document	2008												2009												2010												2011											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Core Strategy							A																																									
Ashford Town Centre AAP															P																																	
Urban Sites and Infrastructure DPD																																																
Tenterden & Rural Sites DPD																																																
Chilmington Green / Discovery Park AAP																																																
Cheesemans Green / Waterbrook AAP																																																
Generic DC policy DPD																																																

Supplementary Planning Documents	2008												2009												2010												2011											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Affordable Housing SPD								P																																								
Sustainable Design & Construction SPD																																																
Infrastructure Contributions SPD																																																
Residential Space & Layout SPD																																																
Green Spaces & Water Environment SPD																																																
Sustainable Urban Drainage Systems																																																
Broadband & Telecommunications SPD																																																

