

TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL DEVELOPMENT FRAMEWORK STEERING PANEL

22 January 2009

Report of the Director of Planning Transport and Leisure

Part 1- Public

Matters for Recommendation to Cabinet - Non Key Decision

1 LOCAL DEVELOPMENT SCHEME REVIEW – 2009

Summary

The Local Development Scheme sets out the Council's programme for preparing its Local Development Framework and needs the Secretary of State's approval. The LDS approved in 2007 pre-dates the introduction of new Regulations in July 2008 which introduce new procedures. These mean that a revised LDS needs to be prepared.

1.1 Introduction

1.1.1 The Local Development Scheme (LDS) is the Council's management plan for the preparation of the Local Development Framework (LDF). It sets out which Local Development Documents are to be prepared and when, and which are to be Development Plan Documents (ie. comprise part of the Development Plan). It has to be submitted to, and approved by, the Secretary of State. Development Plan Documents cannot be prepared unless they are contained in an approved LDS.

1.1.2 The Planning and Transportation Advisory Board considered revisions to the LDS at its meeting on 26 March 2007. The revised LDS was then submitted to the Secretary of State by the deadline of 1 April 2007, but was not approved until much later in the year following some further minor revisions considered by the Planning and Transportation Advisory Board on 22 October 2007

1.2 The current approved LDS

1.2.1 The scheme approved in 2007 included a number of significant changes to the previous version approved in 2006. Most notably, it reduced the number of Development Plan Documents (DPDs) in the second tranche from three to one (Managing Development and the Environment DPD). It also revised the detailed timetable for the first tranche of DPDs and included two new Supplementary Planning Documents (Affordable Housing SPD and the Tonbridge Central Area Regeneration Fund SPD).

1.2.2 In approving the LDSs prepared in 2007 the Secretary of State made it clear that only in exceptional circumstances would it be acceptable to depart from the

timetable in an approved LDS. They therefore had to be realistic and achievable. This is important because it was subsequently confirmed that the payment of Housing and Planning Delivery Grant (HPDG) would be determined on the basis of performance against the milestones set in the 2007 approved LDS. In the event, our three first tranche DPDs were all adopted either on time or, in the case of the Core Strategy, in advance of the target dates set in the approved LDS. As a result, we achieved the maximum possible HPDG contribution for plan-making performance.

- 1.2.3 In July 2008 the Government published new LDF Regulations which have significantly changed the detail of the LDF process; doing away with the need for public consultation on a Preferred Options Report and on site-specific representations and bringing forward the timing of public consultation on the draft plan until before the date of submission to the Secretary of State. The following table summarises the main differences.

2004 LDF Regulations	2008 LDF Regulations
Consultation on Issues and Options	Consultation on Issues and Options
Consultation on Preferred Options	Consultation on Draft Plan
Submission of Draft Plan to SoS	Submission of Draft Plan to SoS
Consultation of Draft Plan	Pre- Examination Meeting
Consultation on site-specific reps	Public Examination
Pre- Examination Meeting	Inspector's Binding Report
Public Examination	Adoption
Inspector's Binding Report	
Adoption	

- 1.2.4 As indicated in the report on the MDE DPD it is intended to undertake pre-submission public consultation of the draft MDE DPD in the spring of next year. As a result of the changes in the Regulations this will not strictly be in line with the LDS approved in 2007. Because the Inspector will wish to be assured that the DPD is being prepared in accordance with an approved LDS, and more particularly, because next year's award of HPDG is likely to be determined on the basis of an approved LDS, it is in the Council's best interests to make sure that the LDS is now realigned with the new Regulations. The recommended revisions to the current LDS are set out in **ANNEX 1**. As can be seen, although submission will be delayed by a month or so, adoption is likely to be some 2 or 3 months earlier than in the current LDS.

1.3 Supplementary Planning Documents

- 1.3.1 As mentioned above, the approved LDS includes two SPDs. The Affordable Housing SPD progressed according to programme and was adopted by the Council in July 2008. The Tonbridge Central Area Regeneration Fund SPD, which was to have been prepared pursuant to Area Action Plan Policy TCA19 has been held in abeyance pending clarification of the Government's proposals for the Community Infrastructure Levy (CIL).

- 1.3.2 Under previous legislation, SPDs had to be listed in the LDS in the same way as any other Local Development Document. This meant that the Secretary of State's approval was required before work could progress on a SPD. A minor change is included in the Planning Bill which removes the requirement to include any reference to SPDs in the LDS. Whilst in some respects this is helpful in terms of being less constraining on the Council's work programme, it is not particularly user-friendly in terms of explaining the Council's overall intentions for its LDF. It would therefore still be my intention to include a section in the LDS dealing with SPDs but purely for information.
- 1.3.3 The 2008 LDS will therefore include a specific commitment to the preparation of the Character Area Appraisal SPDs in parallel with the finalisation of the MDE DPD (see separate report). It should also continue to refer to the possibility of preparing the Tonbridge Central Area Regeneration Fund SPD, depending on what exactly happens about CIL. In addition, work on the MDE DPD has highlighted the need for further more detailed advice in the form of SPDs dealing with Shopfront Design, Residential Extensions/Annexes and Advertisements. The preparation of the Character Area Assessments and the Regeneration Fund SPD (if this is to be prepared) would be given priority over the preparation of these other SPDs.

1.4 Legal Implications

- 1.4.1 The preparation and review of a Local Development Scheme is a statutory requirement under the Planning and Compulsory Purchase Act 2004. The review of the LDS has taken into account the requirements of new LDF Regulations published in July 2008.

1.5 Financial and Value for Money Considerations

- 1.5.1 In reviewing our LDS I have been mindful to limit the work to what I consider to be appropriate to uphold the Council's commitments and safeguard our planning position consistent with growing budgetary pressures. One of the specific driving forces behind the review has been to minimise the impact on the budget during 2009/10 by seeking to ensure that payment for the cost of the Public Examination falls in 2010/11.

1.6 Risk Assessment

- 1.6.1 The main risk is that the programme will not be achieved due to circumstances beyond the Council's control (loss of staff, unexpectedly high level of representations, late receipt of Inspector's Report etc). If the programme slips by much more than 3 months a revised programme will need to be submitted.

1.7 Recommendations

- 1.7.1 That a revised Local Development Scheme be prepared and submitted to the Secretary of State on the basis of the revised programme set out in the Annex to

this report and including reference to the preparation of the Supplementary Planning Documents referred to in para 1.3.3 of the report.

Background papers:

contact: Brian Gates

2007 approved LDS

Steve Humphrey

Director of Planning Transport and Leisure