

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

22 October 2007

Report of the Director of Planning Transport and Leisure

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 LOCAL DEVELOPMENT SCHEME REVIEW – 2007

Summary

The draft Local Development Scheme submitted to the Government Office for the South East (GOSE) in April this year was considered by GOSE to be too ambitious both in terms of the number and the timing of the documents we were proposing to prepare. Changes to the programme and to the number of Supplementary Planning Documents are brought forward in this report.

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 (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 LDF Steering Panel considered revisions to the LDS at its meeting on 26 March 2007. The revised LDS was submitted to the Secretary of State by the deadline of 1 April 2007. Cabinet endorsed this action at its meeting on 4 April 2007.

1.2 The submitted revised LDS

1.2.1 The scheme submitted in April proposed 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 in the light of the Inspector's decision to report on the Core Strategy before considering the other two DPDs. Furthermore, it included three new Supplementary Planning Documents:

1.2.2 The response from GOSE was somewhat delayed but they were not prepared to approve the LDS without some amendments. In essence, their concern was that we were being over-ambitious, both in the number of documents we were planning to prepare and the speed with which we intended to prepare them. GOSE was particularly concerned that we had not indicated enough time for the Inspector to report on each of the DPDs or enough time between the receipt of the report and Council adoption. Their recommended time for the former is normally 6 months and the latter not less than one month. This is, of course somewhat ironic, in that we now have the real experience of the Inspector having reported within less than 3 months of the close of the Public Hearing into the Core Strategy with adoption taking place one month later. It is also odd bearing in mind the purpose of the new planning system is to increase speed and efficiency. Nevertheless, the Council needs the LDS to be approved and therefore it is necessary to comply broadly with GOSE's advice.

1.3 The revised submission

1.3.1 **Annex 1** sets out the proposed revisions to the LDS timetable for the first tranche with the changes being emboldened. This moves the dates of adoption of the Tonbridge Central Area Action Plan from February to April and the Development Land Allocations DPD from April to July. I would sincerely hope that we can improve on this timetable, and recent experience would indicate that we should be able to, but there is no penalty for delivering a plan early, so it is probably better to err on the side of caution.

1.3.2 Insofar as the Managing Development and the Environment DPD is concerned the proposed revisions are set out in Annex 2. The only change made in response to GOSE's comments is that the date of adoption is proposed to be moved from July 2010 to September 2010. However, I have also taken the opportunity to refine the detailed content of the earlier stages of the programme to include a specific stage of targeted consultation on the Issues and Choices as required by the regulations that control the new system. Previously this had been subsumed under the general production stage. This puts back consideration of the Preferred Options Report by one cycle but does not change the overall programme which is still aiming at submission to the Secretary of State by May 2009.

1.3.3 This whole process is likely to have to be reviewed again because the Planning White Paper and Government consultation documents to be published this autumn are suggesting some fairly significant changes to the whole process aimed notionally at speeding it up.

1.4 Supplementary Planning Documents

1.4.1 Supplementary Planning Documents (SPD) are not subject to independent Examination, but they cannot be prepared unless included in a LDS approved by the Secretary of State. The version of the LDS submitted in April included three SPDs to be prepared by next year:

- Affordable Housing SPD
- Tonbridge Central Area Regeneration Fund SPD, and
- Climate Change SPD

1.4.2 The Affordable Housing SPD is still on programme and is reported elsewhere on this agenda. Work on the Tonbridge Central Area Regeneration Fund SPD is progressing more slowly than originally anticipated. It should have been reported to this meeting. The consultant we are commissioning has advised us that a lot of advanced work needs to be completed in-house (on such things as the cost of schemes to be supported by the fund) before work can be robustly progressed with developing the tariff. This work has been delayed because of pressure of other work on the first tranche documents. Under the circumstances, I would recommend revising the LDS to defer consideration of this particular SPD until June next year. The revised programme is indicated in **Annex 2**.

1.4.3 We have done quite a lot of initial work on the Climate Change SPD, as result of which we have concluded that a formal SPD is perhaps not the most appropriate of cost-effective way forward. My preference, in the light of this advance work, is to include a series of criteria-based policies on the subject of climate change in the Managing Development and the Environment DPD. These will be supported by SPD in the form of Kent Design which is already adopted by the Council as SPD. Kent Design contains considerable information on how particular types of technology, or passive design solar principles can be applied in the local context. It already addresses the climate change agenda in detail with good practice examples and illustrative layouts. On reflection, I do not believe that we could add anything more locally distinctive to the extensive coverage of this document – it is already tailored to the Kent context.

1.4.4 My preference, therefore, is to produce a non-statutory Technical Guide for Developers and Householders on the available technologies. This can explain how, when and where they best work, together with contact details for organisations that can provide dedicated advice and expertise on the implementation of such schemes and projects. Such a Guide will complement Kent Design and can more readily be kept up-to-date on a regular basis. Its production will require no formal processes. It will be my intention to prepare this Guide for Members' consideration at their meeting next February. This will take forward, in a pragmatic way, one of the Council's key priorities and would be in line with its Climate Change Strategy. Such a document would not need to be mentioned in the LDS.

1.5 Legal Implications

1.5.1 The preparation and review of a Local Development Scheme is a statutory requirement under the Planning and Compulsory Purchase Act 2004. The

preparation of Development Plan Documents and Supplementary Planning Documents is also covered by the same Act.

1.6 Financial and Value for Money Considerations

- 1.6.1 One of the driving forces behind the review has been to achieve better value for money. The revenue estimates for 2007/08 will not be significantly affected by these changes, but the pattern of expenditure over future years will be because the main expenditure on the second tranche Public Examination has moved forward into the financial year 2010/2011.

1.7 Risk Assessment

- 1.7.1 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, etc). If the programme slips by much more than 3 months a revised programme will need to be submitted.

1.8 Recommendations

- 1.8.1 The timetables in the LDS submitted in April **BE REVISED** in accordance with Annexes 1 and 2 to this report.
- 1.8.2 The Climate Change SPD **BE DELETED** from the submitted LDS.
- 1.8.3 A Climate Change Technical Guide for Householders and Developers **BE PREPARED**.

The Director of Planning Transport and Leisure confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Brian Gates

Local Development Scheme – April 2007
Kent Design

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