

Shepway District Council Local Plan

Local Development Scheme

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1. Purpose of this Document

- 1.1 As part of the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008 and Localism Act 2011) each Planning Authority must prepare a Local Development Scheme for their area. A Local Development Scheme (LDS) is a project management document essential in maintaining an up-to-date and relevant planning strategy. The LDS sets out the council's timetable for preparation and adoption of future Local Plan documents and other planning policies over the following three years.
- 1.2 Advanced timetabling provides organisations and the public with notice of forthcoming opportunities to get involved in Local Plan production. It is essential in making clear how Shepway intends to tackle the need to review and refresh an effective set of planning policies for the district's development.
- 1.3 This LDS supersedes the October 2011 version. Performance against the existing set timetable is identified through assessment within the Council's Authorities Monitoring Reports (AMR). The AMR, published most recently in December 2013, states the progress that has been made with the Local Plan documents that make up the statutory Development Plan, notably:
- The Core Strategy Examination in Public was opened in May 2012 by the Planning Inspector and closed in March 2013. The Inspector found the Plan 'sound' and NPPF compliant. The Core Strategy Local Plan was subsequently adopted by the Council in September 2013.
 - The Shepway Policies Map 2013 was adopted alongside the Core Strategy.
- 1.4 The adoption of key policies in 2013 occurred later than previously scheduled. This is primarily attributable to changes in national policy and other issues that were required to be addressed after the submission of the Core Strategy for Examination. The net result of this 'slippage' has been restricted progress on a further Local Plan document. This new LDS now establishes the main milestones for production of this further and final tranche of Development Plan policies.
- 1.5 Additionally the need for review has been influenced by external factors and the need to take into account the following:
- Changes to government legislation, such as the Localism Act (2011) and new regulations,
 - The replacement of the National Planning Policy Statements with the National Planning Policy Framework (NPPF).
 - The partial revocation of the South East Plan (SEP) in March 2013. This has removed regional planning policies which previously applied to Shepway, and means local policies are now supported solely by national planning provisions.
- 1.6 Adherence to the Local Development Scheme is a key legal requirement, and necessary for future documents to be found 'sound' by the Planning Inspectorate.

2. Background to Current Planning Policy

2.1 There have been many changes to the planning system. These include new government publications as detailed below, but also legislative precedents in relation to the application of planning provisions. Most notably, the significance of supporting statutory processes, such as proper testing of Local Plan options by formal Sustainability Appraisal, has recently been emphasised.

Localism Act 2011

2.2 The Act received Royal Assent in November 2011, and introduced a number of changes to the planning system, which are relevant to the preparation of planning policy documents:

2.3 Abolition of Regional Strategies- Section 109 of the Act abolished the regional planning tier and also made provision to revoke, by Order, the whole or any part of a Regional Strategy. The Regional Strategy for the South East (Partial Revocation) Order came into force on the 25th March 2013. The only parts of it still applicable in the region are not relevant to Shepway.

2.4 Duty to Co-operate- The Act contains the provisions for the Duty to Co-operate in relation to sustainable development. In dealing with strategic cross boundary matters in the preparation of Local Plans, a Local Planning Authority must engage constructively, actively and on an ongoing basis with other Local Planning Authorities and other prescribed bodies e.g. the Environment Agency. There is a framework in place for cross boundary working on regeneration and infrastructure in East Kent (Shepway, Ashford, Dover, Canterbury & Thanet), but it is too early to understand the exact form of collaborative working that will emerge in the sub-region.

2.5 Neighbourhood Planning- The Act introduces a new tier of planning called neighbourhood planning which gives communities more of a say in the development of their local area. Local communities can produce Neighbourhood Plans, setting out policies on the development and use of land in their area. Once examination has taken place there will be a Referendum, and if successful the plan will be brought into force and apply to planning applications in the relevant area. The Local Planning Authority has a duty to support the process.

2.6 As Neighbourhood Plans are not prepared by the Council and their timetables are dependent on the progress made by the respective communities, they cannot be included in the LDS. It is not yet clear how many communities will bring forward neighbourhood plans, the following Neighbourhood Plan areas have been agreed:

- Hythe
- Lympne
- New Romney
- Sellindge*

Shepway Local Plan

- St Mary in the Marsh

*The area for Sellindge is due to be approved on the same day as this LDS.

2.7 Some of these neighbourhood plans are actively moving forward and whilst they may come into force within the LDS period, none are at present approaching their final stages e.g. local referendum.

2.8 All the above areas have been approved coterminous with the applicable Civic Parish boundary.

National Planning Policy

29 The National Planning Policy Framework (NPPF) was published in March 2012. It replaced most of the Government's previous suite of Planning Policy Guidance Notes and Policy Statements. It sets out the presumption in favour of sustainable development, with local authorities planning positively for new development. Core planning principles include the need to be plan-led and to pro-actively drive and support sustainable economic development.

2.10 It is stressed that plans must be based on adequate, up to date and relevant evidence. The number Local Plans in an area should be minimised. Any plan must be prepared in accordance with the Duty to Co-operate, legal and procedural requirements, and, be sound. The NPPF sets out the tests of soundness. The weight to be attached to policies in existing plans depends on their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that can be given to them).

2.11 The NPPF was been embellished in early 2014 through an on-line National Planning Practice Guidance (NPPG). This consolidates the various remaining planning related guide (etc.) historically produced by government.

2.12. The Core Strategy was declared sound and NPPF compliant, but the full ramifications of these changes are still being felt. Generally, there has so far been particular attention in the new national policy framework as to how housing needs will be met within wider functional areas.

2.13 In relation to the further Shepway Local Plan, from the outset it will be produced in the context of the new national approach to planning i.e. the Duty to Cooperate.

3. Existing Local Plan Documents

3.1 Planning policies applicable in the District comprises of Local Plans produced by the District Council, any Neighbourhood Plans successfully produced by Town or Parish Councils and the Minerals and Waste Local Plans adopted by Kent County Council.

Local Plan Documents

3.2 The Shepway Core Strategy Local Plan was adopted in September 2013. This is the over-arching policy document in the District's Development Plan from which future planning polices (for specific purposes, topics or areas) will flow. It sets out the strategic objectives for the districts development until 2031 and also identifies

land for development of a strategic nature in the District including two strategic housing allocations. Specific policies are included in the Spatial Strategy and Core Strategy Delivery sections. This is preceded by a Delivering Sustainable Development policy, reflecting the NPPF.

3.2 The Core Strategy is initially supplemented by remaining detailed guidance in 'saved' policies from the Shepway District Local Plan Review (2006). Appendix 5 of the adopted Core Strategy sets out the continuing saved Local Plan (2006) policies effectively supporting the Core Strategy. The last paragraph of each Core Strategy sub-section sets out which of the 2006 policies are replaced (a further tranche of deletions having occurred in 2009).

3.3 Therefore the Development Plan currently consists of the following elements:

- The Shepway Core Strategy Local Plan (September 2013),
- Applicable Shepway District Local Plan Review (2006) policies.

3.4 The Shepway Policies Map was amended on adoption of the Core Strategy and its proposal. This LDS sets out the production of a further Local Plan to deliver the Core Strategy that will be the second part of the Development Plan. This is anticipated to complete the process of replacing policies adopted in 2006; and therefore a whole new Policies Map will be required to be prepared, and adopted alongside the further Local Plan.

Supporting Documents

3.5 There is no longer a requirement for Local Planning Authorities to specify the timetables for producing other planning documents such as Supplementary Planning Documents (SPDs), the Community Infrastructure Levy (CIL) and the Statement of Community Involvement (SCI) in the LDS. However the council is aware that this timetabling is useful so when applicable details will be made available for information purposes through the council's website. CIL is particularly important and is therefore included in the Shepway LDS programme.

3.6 SPDs expand or add details to policies laid out in Local Plan documents. The following topic SPDs are expected to remain important elements in support of the Shepway Local Plan:

- Shepway Affordable Housing SPD
- Kent Design Guide 2005/6 SPD

3.7 The Affordable Housing SPD predates, but still helps deliver, Core Strategy policy CSD1; for example through providing guideline details on tenure mix and financial calculations. This SPD could potentially be updated within the LDS period, but as confirmed in the Core Strategy paragraph 5.6, it still applies.

3.8, Additionally, the Sandgate Village Design Statement was adopted as SPD by the Local Planning Authority in 2013 and is applicable to planning applications in the Sandgate Parish Council area.

3.7 These SPDs are formal Planning Policy documents and should be accorded significant weight in development management decisions. They have been through

Sustainability Appraisal and public consultation processes as specified by legislation. Other development briefs and policy documents are also available to assist with planning decisions at the local level.

3.8 Following Habitat Regulations Assessment, consistent with policy CSD4, the Core Strategy also set out provisions for a Sustainable Access Strategy at Dungeness. This could possibly take the status of SPD, although no timescale has been set for preparing this document.

3.9 The Shepway Statement of Community Involvement (SCI) sets out how the crucial process of public engagement will shape planning in the district. Shepway's SCI was adopted on 22nd February 2007 following Examination in Public.

Evidence and Document Production

3.10 Local Plans and planning policies in general are produced in accordance with legislation, and based on a staged process using evidence gathering and the testing of proposals. Evidence takes a number of forms:

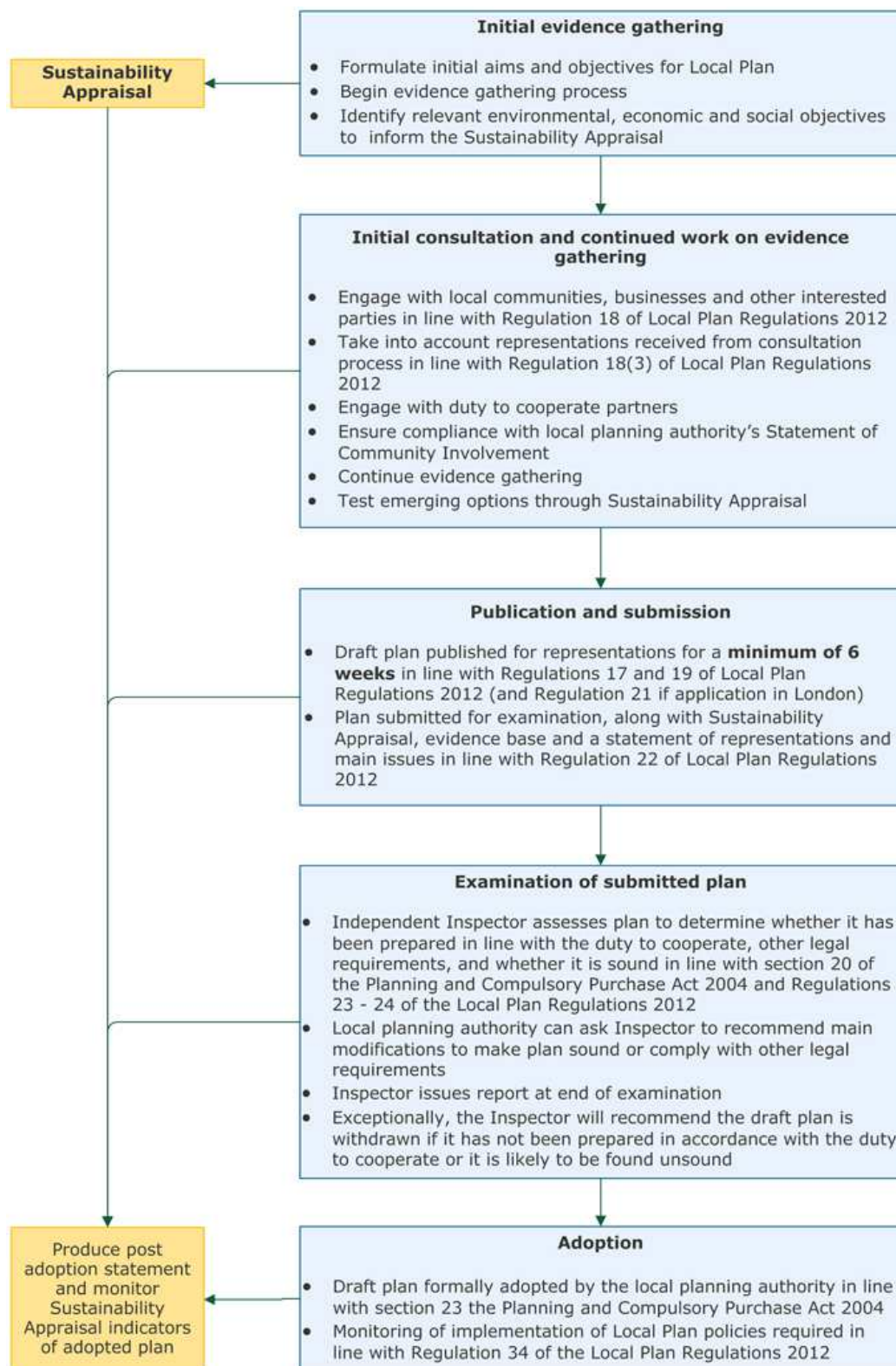
- Information from public consultation.
- Information from statutory processes that inform Local Plans eg Sustainability Appraisal.
- Bespoke research produced to inform the specific document e.g. studies of topics or particular land uses.
- The Authorities Monitoring Report (AMR).
- Data from other published sources e.g. Census material.

3.11 Collectively this is known as the 'evidence base'. The purpose of establishing an evidence base is to ensure that all future planning policies and decisions are based on robust and up-to-date information in accordance with the NPPF and legislation.

3.12 Statutory processes required inform Local Plans include: Sustainability Appraisal (SA) to ensure that social, economic, and environmental considerations are fully taken into account and to allow the testing of reasonable alternatives to proposals; and Habitat Regulations Assessment of the cumulative impact of proposals on internationally designated habitats (principally in Shepway at Dungeness and the Folkestone-Etchinghill Escarpment). These can also inform Neighbourhood Development Plans and SPDs.

3.13 In terms of timetabling and ensuring the local appropriateness of proposals, programming the stages of public consultation are critical to the introduction of planning policies as set out in subsequent parts of the LDS.

3.14 The key stages of public consultation/examination for Local Plan are set out in the 'Local Plan Development' diagram below, extracted from the NPPG. The parallel process of SA is highlighted:



4. Profile of Proposed Planning Policy Documents

4.1 Work will be undertaken on the following documents over the next three years.

4.2 'Places & Policies' (Further) Local Plan

Role / Subject	<p>The second part of the Development Plan, flowing from the Core Strategy, this Local Plan will make new land allocations and refine development management policies. It is anticipated this will cover both specific 'Places' i.e. sites for development or protection, and generic 'Policies' the basis for determining most planning applications.</p> <p>It will allocate land to deliver objectives in the Core Strategy (additional to the strategic allocations within the Core Strategy) and to allow appropriate sustainable development to take place across the District. There will be new housing sites at places identified in the Core Strategy settlement hierarchy; there will be new local environmental and economic designations e.g. to support the identified town/ local centres in the Core Strategy.</p> <p>The Plan and its revised Development Management policies will replace the remaining saved policies in the Shepway Local Plan Review 2006 and reflect NPPF/NPPG.</p> <p>It will be justified through the SA process.</p>
Coverage	
	Shepway District
Status	
	Local Plan document.
Timetable:	
Evidence gathering	
	Ongoing
Commencement of public consultation on options	
	November 2014
Commencement of public consultation on draft plan	
	July 2015
Submission for Examination in Public	
	January 2016

Adoption (if found 'sound' at Examination).	November 2016
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4.3 Shepway Policies Map

Role / Subject	<p>The map showing the all applicability of all geographic (sub-district) Local Plan policies, for example settlement boundaries, site-specific allocations, retail frontages, key local environmental characteristics etc.</p> <p>Formerly known as the Proposals Map, this well used resource was adopted in its current form in 2013 alongside the Core Strategy. It is currently in the form of a website; and in terms of printed documents, a Shepway Policies Map 2013 booklet is available. This contains a the new Legend, 2013 mapping provisions and confirmation of those many parts of the hard copy 2006 Proposals Map which are still applicable.</p> <p>The Policies Map must reflect the Local Plan and therefore the 2013 version will be replaced on adoption of the Places & Policies Local Plan. Milestones in its production and drafting will therefore stem from the parallel stages above; although an independent integrated mapping resource (as opposed to individual changes) may not be produced in the early stages.</p>
Coverage	Shepway District
Status	Local Plan document.
Timetable:	
Commencement of public consultation on draft plan	July 2015
Submission for Examination in Public	January 2016
Adoption (if Places & Policies Local Plan found 'sound' at Examination).	November 2016

4.4 Community Infrastructure Levy- Charging Schedule

Role / Subject	<p>The Community Infrastructure Levy (CIL) allows local authorities to charge new development and then pool funding from developments to deliver funding for infrastructure, alongside other sources. This is associated with a national scaling back of the use of 'Section 106' legal agreements in April 2015.</p> <p>Specifically, a 'Charging Schedule' will be produced to set out Levy rates (£/sqm) by use and area etc, as shown to be economically viable. The Schedule will, by the time it comes into force, be accompanied by a 'Regulation 123' list that will set out the types of infrastructure on which CIL will be spent in Shepway.</p>	
Coverage	Shepway District	
Status	Binding Charging Schedule	
Timetable:		
Evidence Gathering	Ongoing	
Public involvement on Preliminary Draft Schedule	August- September 2014	
Publication of Draft Schedule and Draft Regulation 123 List for Public Representations	December- January 2015	
Submission of Final Schedule for Examination in Public	February 2015	
Schedule Adoption	June- July 2015	
CIL collection starts in Shepway	TBC	

4.5 Authorities Monitoring Report (AMR) inc. 5 yr housing supply

Role / Subject	<p>These are produced annually to assess the progress and effectiveness of Local Plans. It assesses whether the targets set are being achieved, both in terms of the performance of existing policy and progress in the delivering the LDS.</p> <p>It can also undertake other key reporting that is</p>
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	<p>required:</p> <ul style="list-style-type: none"> • Details of Shepway’s performance against the NPPF requirement to maintain a 5 year supply of deliverable housing sites. • Actions for Local Plan production under the Duty to Cooperate. • Meeting the requirements to report financial expenditures once CIL is in force (the 2016 AMR could report on the first full financial year applicable).
Coverage	Shepway District
Status	Evidence
Timetable	
Survey and Data Collection	April-August Annually
Drafting AMR	September-November Annually
AMR Published	December/January Annually

5. Risk Assessment/ Monitoring and Review

5.1 The proposed production timetable is considered to be appropriate to allow for the completion of the Shepway Development Plan. However there are considerable risks and uncertainties to delivering the schedules proposed in the LDS from external factors, such as:

- Additional resources needed following unexpected outcomes of engagement with key stakeholders and the public (an abnormally large volume of comments at consultation stages, or demands for further technical evidence),
- Political change in administration. General and local elections are scheduled for May 2015,
- Staff could leave, presenting difficulties in the recognised context of skills shortages in the planning profession,
- Adaptation to emerging new policy/legislation under the National Planning Policy Framework or revisions.

5.2 Monitoring and review of the LDS will be carried out through the Authorities Monitoring Report (AMR). This is important to enable communities and interested parties to be aware of progress.

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6. Timetable Illustration

Shepway LDS (2014)

Year/ Month	2014						2015										2016														
	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
	u	u	u	e	c	o	e	a	e	a	p	a	u	u	u	e	c	o	e	a	e	a	p	a	u	u	u	e	c	o	e
	n	l	g	p	t	v	c	n	b	r	r	y	n	l	g	p	t	v	c	n	b	r	r	y	n	l	g	p	t	v	c
Places & Policies Local Plan/ Policies Map						C	C	C						C*	C*			R*	R*	S*										A*	
CIL Charging Schedule			C	C			R	R	S					A																	
AMRs							M	M													M	M									M

Milestones and Key to Diagram

- **C:** Public consultation (on Places & Policies Local Plan / Preliminary Draft CIL Charging Schedule).
- **R:** Formal representations period (on publication final draft Places & Policies Local Plan / Draft CIL Charging Schedule).
- **S:** Submission for independent Examination
- **A:** Adoption (Subject to Examination outcome).
- *: Places & Policies Local Plan documentation accompanied by separate Policies Map documentation.
- **M:** AMR on past financial year, inc forward looking 5 year housing supply