



East Lindsey

DISTRICT COUNCIL

REPORT TO:	Council
DATE:	Council 1 st March 2023
SUBJECT:	Requesting Council to adopt the updated Local Development Scheme for the Local Plan
KEY DECISION:	<i>No</i>
PORTFOLIO HOLDER:	Cllr Tom Ashton
REPORT AUTHOR:	Simon Milson
WARD(S) AFFECTED:	All. The adopted Local Plan covers the whole District.
EXEMPT REPORT?	<i>No</i>

SUMMARY

The Council is required to produce an updated Local Development Scheme at appropriate times¹. The Local Development Scheme sets out various things, including what documents form the Development Plan, details of any Neighbourhood Plans, and a timeline of key stages. As the review is now gathering pace this report introduces the updated East Lindsey Local Development Scheme. The updated LDS will also contain the list of the policies to be reviewed and an updated timeline for the review.

¹ <https://www.gov.uk/guidance/plan-making>

RECOMMENDATIONS

That the Council as Local Planning Authority adopt the Local Development Scheme as part of the Local Plan.

That the Council as Local Planning Authority delegates to the Planning Policy and Research Service Manager in consultation with the Assistant Director – Planning and Chairman of Planning Policy Committee, the ability to make adjustments to the LDS timeline as necessary to reflect the programme of work, with any significant amendments being reported to the Planning Policy Committee/Council for noting.”

REASONS FOR RECOMMENDATIONS

Legislation requires the Council to update the LDS as appropriate. The current LDS is out-of-date and needs replacing with this amended version to ensure the Local Plan review process can continue smoothly.

OTHER OPTIONS CONSIDERED

Do nothing: this involve retaining the existing LDS, which is now out-of-date and would be contrary to the legislative requirements placed on the Council as Local Planning Authority.

REPORT

- 11.** The Local Development Scheme is an adopted document that forms part of the Local Plan. Under Section 15 of the Planning and The Council as Local Planning Authority must produce and maintain a Local Development Scheme². The regulations do not set a specific timescale but advise it should be done “as appropriate”
- 12.** A significant time has passed since the last update in 2016. That update set out the path for the adoption of the LP in January 2018 (the Plan was adopted in July 2018). The 2016 LDS in section 4 also set out post-adoption monitoring via the Sustainability Appraisal. Once the plan was adopted in July 2018, the initial on monitoring of all Local Plan Policies and refreshing of background evidence commenced. These two exercises were needed to check if policies were working, see if any weren’t working, and therefore give initial indications of what would need reviewing.
- 13.** The opening sections of the LDS set out the documents that are contained within the Local Plan. This includes Supplementary Planning Documents (SPD). The LDS goes on to expand on the function of these different documents. There is also a section setting out relevant Neighbourhood Development Plans.

² <https://www.gov.uk/guidance/plan-making>

14. The middle sections of the LDS set out how the Council will monitor the policies through the Authority Monitoring Report and Sustainability Appraisal. The final section goes on to identify the resources available to the Local Plan review and the key risks.

15. There are two appendices to the LDS. Appendix A contains a table of policies previously mentioned. The table sets out the level of review likely to be required for each policy and the reasoning behind it. Appendix B sets out the timeline for the review of the Local Plan.

Description of Appendix A

16. One key early task was to identify which policies were to be reviewed and the level of review. This table was approved by Policy Committee and was then moved forwards for inclusion in an early Issues and Options (IO) consultation exercise. The IO sought responses on two key areas: 1) The Distribution of Housing and 2) The Policies to be reviewed and the level of review. These two questions were key to begin to understand and confirm the scope and scale of the review to produce the table. The table was amended slightly to its current form following Planning Policy Committee in October 2022. Members requested some formatting changes and agreed some alterations to the level of review for 2 of the policies.

Description of Appendix B

17. A key part of the LDS is to set out the timetable for the review. There have been various iterations project plans in the last 2-3 years. The Project Plan initially approved by Committee added a year to allow for sufficient monitoring and to help accommodate the rapidly increasing scale of the review. This would have required submission to PINS by April 2023. However, shortly after this was revised back down to the SP29 target of 2022. Various factors have affected the Team's ability to meet the SP29 deadline, including Covid, temporary resource redeployment to non-related tasks, transitioning to an alliance and then partnership, an increasingly complex review. A new timetable is included in appendix B of this report with some changes that are explained below.

18. Appendix B contains an updated high-level timeline for the review process. It is split into stages with an estimated timescale added at the bottom. This timeline represents what is required to submit the reviewed plan in July 2023, just over 1 year after the SP29 deadline of April 2022. Once submitted the timeline is then under the control of PINS who will determine when to examine the Plan. This can take months and is not something the Council can influence.

Plan soundness

19. Soundness after 5 years. The NPPF requires a Local Plan to be reviewed every 5 years to see if it needs updating and that the review should be completed within 5 years of

adoption³. As mentioned previously, the Local Plan was adopted in July 2018 resulting in a 5 year review deadline of July 2023. However, the Inspectors advised a 4 year period was appropriate for East Lindsey resulting in Strategic Policy 29 giving a submission date of April 2023. This reduced period was based on 2 areas the Inspectors needing monitoring closely:

- 1) whether housing is coming forwards on the coast and whether commitments are being used up
- 2) whether employment land is being taken up

1.10. Looking at the above 2 areas, the Authority Monitoring Report (prepared annually) and the annual housing figures show strong commitments and completions and vacant plot. Coastal completions remain strong in 2021/22 and have beaten the target each year since adoption. Coastal Commitments also remain strong with an increase in the year 2021/22 as 2 legacy sites began to come forwards. However, the housing strategy for the whole District, including the coast is being looked at as part of the review. In terms of employment land, this is currently being fully revised, however the survey work for the annual AMR shows that the main employment sites do still have vacant capacity.

1.11. Legal Advice has been sought to clarify the position relating to determining Planning Applications based on a plan that is gone past the 5 year review date. The advice concluded that passing the 5 year date does not automatically render the whole plan out of date or unworkable. It will be a matter of judgement at a given when considering a planning application, whether the relevant parts of the plan (and evidence) are still up to date and inconformity with the NPPF.

CONCLUSION

The updated Local Development Scheme accurately reflects the current position and sets out the next stages of the Local Plan. It is considered to be appropriate to adopt the updated LDS at this stage as the review of the Local Plan continues to gather pace.

EXPECTED BENEFITS TO THE PARTNERSHIP

Neighbourhood Planning gives local communities the ability to have an input into how development occurs in their local areas. This helps them to shape and improve the environment around them.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP

The LDS gives clarity as to the current position and direction of the Local Plan.

³ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

CORPORATE PRIORITIES

none

STAFFING

none

CONSTITUTIONAL AND LEGAL IMPLICATIONS

none

DATA PROTECTION

none

FINANCIAL

none

RISK MANAGEMENT

The risks have been highlighted and addressed in the above report. No outstanding unmanaged risks remain.

STAKEHOLDER / CONSULTATION / TIMESCALES

The LDS has been to Planning Policy Committee (October 2022) and approved to go forwards for adoption by Full Council.

REPUTATION

none

CONTRACTS

none

CRIME AND DISORDER

none

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

none

HEALTH AND WELL BEING

none

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None. This is addressed as part of the NDP process, including sustainability appraisals and habitat regulation assessments.

ACRONYMS

LDS – Local Development Scheme

APPENDICES <i>(If none then insert the word 'None' and delete the below text/boxes).</i> Appendices are listed below and attached to the back of the report: -	
<i>APPENDIX A</i>	<i>Local Development Scheme – draft publication version</i>

BACKGROUND PAPERS <i>(If none then insert the wording 'No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.' Also delete the below text/boxes.)</i> Background papers used in the production of this report are listed below: -	
Document title	Where the document can be viewed
<i>No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.</i>	

CHRONOLOGICAL HISTORY OF THIS REPORT	
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<i>None</i>	
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Name of body	Date

REPORT APPROVAL	
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Report author:	Simon Milson (ELDC)
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Signed off by:	Miked Gildersleeves (ELDC)
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Approved for publication:	Tom Ashton (ELDC)
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