

Classification: Private

Key Decision: No

Gravesham Borough Council

Report to: Cabinet

Date: 3 January 2023

Reporting officer: Wendy Lane – Assistant Director (Planning)

Subject: Emerging Local Plan - Local Development Scheme

Purpose and summary of report:

- To provide Cabinet with an update on the emerging Local Plan Timetable now that the ongoing delays caused by the highways modelling, which are attributable to external organisations, are known.
- To seek approval for publishing a revised Local Development Scheme.

Recommendations:

Cabinet members are asked to give the Assistant Director (Planning) in consultation with the Cabinet member for the Strategic Environment Portfolio delegated authority to publish a revised Local Development Scheme, in line with Appendix 2.

| Key Implications: | |
|------------------------------------|--|
| Item | Implications |
| Legal | Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Council as a Local Planning Authority (LPA) to prepare and maintain a LDS. The current LDS was brought into effect on 8 October 2019. |
| Finance and Value for Money | The Council maintains a Planning Policy Reserve for commissioning work related to the Local Plan, with separate revenue budgets covering day to day expenditure on staff. The Planning Policy Reserve and revenue budgets will need to be reviewed in light of the amended Local Development Scheme. |
| Corporate Plan | The emerging Local Plan feeds into Strategic Objectives 1,2, 3 and 4 |
| Climate Change | There are no direct implications arising from the recommendations contained within this report. However, a key component of the emerging Local Plan includes addressing sustainability and climate change – with policies included to assist with this. |

1. Introduction

- 1.1 The Council currently has an adopted Local Plan Core Strategy covering the whole borough (including the part of Ebbsfleet Development Corporation that falls within Gravesham). This was adopted by the Council in September 2014. Several policies of the Adopted Gravesham Local Plan First Review were saved following approval by the Secretary of State via a Direction issued 2007. Together with the Gravesham Local Plan Policies Map (adopted in September 2014), they form components of the Development Plan, for which Gravesham Borough Council has direct responsibility as part of our Plan Making role.
- 1.2 Following the adoption of the Core Strategy officers turned their attention to reviewing the Local Plan Core Strategy, as well as progressing work on the Site Allocations and Development Management Policies Document. The latter document being the second part of the Council's Local Plan, which would allocate additional sites for development, designates sites / land for specific uses and would set out the detailed Development Management policies.
- 1.3 The Council's project plan for bringing forward the emerging Local Plan is set out in the Council's Local Development Scheme, with the most recent Local Development Scheme being adopted by Cabinet in October 2019.

2. Local Development Scheme

- 2.1 The Planning and Compulsory Purchase Act 2004 (as amended) places a statutory duty on the Council to maintain an up-to-date Local Development Scheme. The current (October 2019) Local Development Scheme is attached to this report at Appendix 1.
- 2.2 The Local Plan Core Strategy and Proposals Map need to be updated to reflect changing circumstances both locally and a result of changes to Government policy. With the remaining Saved Policies from the Gravesham Local Plan First Review in need of being replaced in their entirety.
- 2.3 Key dates from the currently adopted Local Development Scheme for the remaining tasks associated with the emerging Local Plan are set out in the table below.

| Stage | October 2019 LDS |
|--|-------------------------|
| Public Consultation Regulation 19 (statutory 6 weeks) | September-October 2020 |
| Submission for independent examination (regulation 22) | February 2021 |
| Examination | July 2021 |
| Receipt of Inspector's Report | November 2021 |
| Full Council followed by adoption and publication | December 2021 |

- 2.4 Progress on the emerging Local Plan since the adoption of the Local Development Scheme (October 2019), was initially delayed as a result of Covid-19, with the Regulation 18 Stage 2 consultation being undertaken October-December 2020, rather than January-February 2020. Subsequent delays to the

- emerging Local Plan have been directly associated with delays to the availability of the Kent County Council Transport Model, and the time required to undertake highways modelling. The Council can not move to the Regulation 19 (publication) stage without this modelling.
- 2.5 Kent County Council's Transport Model was originally anticipated to be available in Autumn 2020, however due to a number of reasons its completion took longer than originally envisaged, and therefore availability was pushed back to Spring 2021, then Autumn 2021, to Spring 2022.
 - 2.6 The work needed to get results from the Kent Country Council transport model has also increased in scale and time. Additional traffic counts have had to be undertaken within the Borough, so that the model could be validated at a finer grain at the local level to meet National Highways (Department for Transport) requirements. As such what was anticipated to be a commission of 3-4 months, has turned into a commission lasting over 12 months.
 - 2.7 This is still caveated in Appendix 2, due to National Highways, as a result of the lack of capacity on the Strategic Road Network and due to Lower Thames Crossing, wanting to ensure that they review and agree to key stages of the work. As such the work will not proceed from one stage to the next, until National Highways have agreed the validated model, approach to forecasting highways impacts and the modelled results including mitigation measures. In terms of the latter, National Highways require the modelling to correlate with their own modelling and that undertaken for the Lower Thames Crossing.
 - 2.8 The Council is not privy to modelling data held by National Highways, and the Lower Thames Crossing data has only become available recently (31 October) as part of their Development Consent Order submission.
 - 2.9 Until officers receive initial outputs from the validated model runs, it is impossible to say with any certainty which development scenarios can be progressed. As such, upon completion of these model runs, officers will need to undertake further work on the review of the Local Plan Core Strategy and Site Allocations, prior to these documents being subjected to Sustainability Environmental Assessment (SEA), Sustainability Appraisal (SA), and Habitat Regulations Assessment (HRA).
 - 2.10 Strategic Environmental Assessment (SEA) is a process that helps to understand how plans (including the choice of sites and policies) will affect the environment of the area that it covers. It is required by the SEA Directive, which places a legal duty on people preparing some development plans to assess those plans for their potential effect on the environment. A Sustainability Appraisal (SA) differs from SEA in that it considers not only the environmental effects of a plan, but the wider social and economic effects also.
 - 2.11 The Habitats Directive, separately requires development plan proposals to be assessed for environmental effects that could have an impact on certain sites for wildlife conservation that are identified and designated at the European level. These sites, known as 'Natura 2000' sites, include designations such as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).
 - 2.12 Both the SEA Directive and Habitats Directive, have been enshrined into UK Law.
 - 2.13 The proposed timetable for preparing the emerging Local Plan is set out in Appendix 2, with a comparison to the Local Development Scheme adopted in October 2019 set out in the table below.

| Stage | October 2019 LDS | Proposed LDS |
|--|-------------------------|------------------------|
| Public Consultation Regulation 19 (statutory 6 weeks) | September-October 2020 | September-October 2023 |
| Submission for independent examination (regulation 22) | February 2021 | February 2024 |
| Examination | July 2021 | July 2024 |
| Receipt of Inspector's Report | November 2021 | November 2024 |
| Full Council followed by adoption and publication | December 2021 | December 2024 |

2.14 During this time, the Planning Policy team have been working on a number of work streams. This has included work on the underpinning evidence base; assisting colleagues in Development Management, including by providing policy comments on planning applications, and Regeneration; responding to consultations and undertaking duty to cooperate discussions. A number of posts have also been kept vacant.

3. Proposed Next Steps

3.1 Revised Local Development Scheme

Subject to Cabinet's approval, a revised Local Development Scheme based on the timetable set out in Appendix 2 be produced for adoption.

4. Appendices

4.1 The following documents are to be published with the report:

- Appendix one – October 2019 Local Development Scheme
- Appendix Two – Revised Local Plan Timetable

5. Background Documents

5.1 There are no background documents.

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| Secondary Implications | |
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| Risk Assessment | If the Council does not prepare a Local Development Scheme, there is a risk that the Council will contravene the legal requirement to prepare, maintain and publish a Local Development Scheme for the Development Plan Documents it proposes to prepare. This would put Local Plan Core Strategy Partial Review and the Site Allocations and Development Management Policies DPD at risk of being found legally non-compliant when submitted Examination in due course. |
| Data Protection Impact Assessment | <i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i> |
| | a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data ? A definition of each type of data can be found on the Information Commissioner's Office website via the above links. No |
| | b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A |
| | c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk . N/A |
| Equality Impact Assessment | a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No |
| | b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. Yes It will by ensure that stakeholders and the public are aware of the key consultation stages, where they are able to contribute |
| | <i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i> |
| Crime and Disorder | There are no implications arising from the recommendations contained within this report. |
| Digital and website implications | Subject to Cabinet's approval, the Council's website will be updated with the revised Local Development Scheme |
| Safeguarding children and vulnerable adults | There are no implications arising from the recommendations contained within this report. |

