

## Strategic Housing and Planning Committee

28 March 2019

### Local Development Scheme

Report by Assistant Director of Strategic Planning and Infrastructure

Relevant Portfolio Holder: Planning Policy Culture and Heritage

#### **Purpose:**

The Council has a statutory duty to prepare, monitor and review its planning policy documents through the Local Development Scheme (LDS). This report sets out and seeks approval to the LDS which establishes a work programme to produce Kingston's Local Plan.

#### **Recommendations:**

That the Committee approves the Local Development Scheme (Annex 1) setting out the work required to deliver the Local Plan.

#### **Benefits to the Community:**

The LDS will provide clarity to the community on the timescales for the delivery of the Local Plan and how they can take part in its preparation. It will also inform them of the planning documents comprising the Borough's current Development Plan and the new documents that the Council intends to produce as it delivers its Local Plan.

### Key Points

- A. Section 15 of the Planning and Compulsory Purchase Act 2004 requires the Council to set out its current planning policy documents and any new or replacement documents it intends to produce, and list them in the Local Development Scheme.
- B. There have been significant changes to the planning system in the period since Kingston's 2016 Local Development Scheme was approved, most notably the production of the draft new London Plan in 2017 and the revised National Planning Policy Framework in 2019.
- C. The updated Local Development Scheme covers the period from spring 2019 to winter 2021/22. The updated LDS is appended to this report (Annex 1), which the Committee is requested to approve.
- D. The new Local Plan will set out the overall development strategy for the Borough for the period 2019-2041. It will include both strategic policies and non-strategic policies, and will provide the policy context for Neighbourhood Plans.
- E. The Plan will identify site allocations for different forms of land use, to aid the designation of land for all key uses and to afford protection through designations such as Green Belt or Metropolitan Open Land. An adopted Policies Map will sit alongside the Local Plan.

### Context

1. The following documents comprise the Borough's current Development Plan:
  - The London Plan (Further Alterations to the London Plan, 2016)

- The Core Strategy (2012)
  - The Kingston Town Centre Area Action Plan (2008)
  - South London Waste Plan (2012)
2. Other documents that support the Development Plan include the Policies Map, Statement of Community Involvement, and a number of Supplementary Planning Documents.
  3. The Local Development Scheme (LDS) sets out details for the production of a new Local Plan, South London Waste Plan and Statement of Community Involvement. The process for preparing each of these documents is prescribed by Government legislation under the Planning and Compulsory Purchase Act 2004.
  4. A new Local Plan is needed to conform with the requirements set out in the updated National Planning Policy Framework (2019), and to identify how the Council intends to meet the new housing and employment needs to successfully deliver government requirements and those of the London Plan. The Council's current Development Plan Documents do not adequately demonstrate how it intends to deliver the needs of a rapidly rising population.
  5. The new Local Plan will gather weight as it proceeds through production, and will be considered alongside existing adopted documents in decision making. When adopted, the new Local Plan will replace the Core Strategy and the Kingston Town Centre Area Action Plan. Any Supplementary Planning Documents that are based on policies not taken forward through the new plans will be cancelled.
  6. The new South London Waste Plan will analyse current and future demand for and supply of waste treatment facilities across South London until 2031, replacing the existing South London Waste Plan. It will allocate sites for waste treatment and provide policies against which the four partner boroughs will determine planning applications for treatment facilities. Adoption is programmed for January 2022.
  7. The Statement of Community Involvement will set out the Council's approach to engaging with the community in the preparation of planning policy documents. Adoption is scheduled for September 2019.
  8. Additionally, the Authority Monitoring Report assesses development delivery and is published annually while the Community Infrastructure Levy assists local authorities in delivering infrastructure to support new development. The Localism Act 2011 enables local communities to prepare Neighbourhood Plans for their local areas.

### Local Plan Programme

9. The process for preparing a Local Plan is prescribed by Government regulations. Development of the Plan will be guided by full engagement with the Portfolio Holder, Members, stakeholders and Neighbourhood Committees throughout the process. An indicative timetable for its production is identified in the LDS as follows:

Key Milestones	Date
Approval of the revised LDS	March 2019
Early Engagement Consultation (Regulation 18)	May - July 2019

Local Plan First Draft	Winter 2019/20
Local Plan Publication Version (Regulation 19)	Spring 2020
Local Plan Submission Version (Regulation 22)	Summer 2020
Examination in Public (Regulation 24)	Winter-Spring 2020/21
Inspector's Report	Autumn 2021
Adoption	Winter 2021/22

## Consultations

10. The LDS itself is not subject to consultation. It will be published as the Local Plan process commences. The Statement of Community Involvement will set out the Council's approach to community involvement in the Local Plan preparation process. Engagement will take place with the Portfolio Holder, Members, stakeholders and Neighbourhood Committees in the production of planning policy documents where appropriate.

## Resource Implications

11. The costs of the LDS work programme are resourced from the Strategic Planning budget. The costs of producing individual documents will depend on the extent of evidence gathering and consultation required in each case.
12. Preparing the Local Plan will be the priority project for the Strategic Planning Team. Evidence base work to inform the Local Plan will draw on officer resources and expertise across the Council, as well as commissioning specialist consultants to undertake studies.
13. The cost of publishing the LDS itself is expected to be minimal, involving publishing on the Council's website.

## Legal Implications

14. A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004.
15. The production of the Local Plan, South London Waste Plan and Statement of Community Involvement are also prescribed by guidance under the Planning and Compulsory Purchase Act 2004.
16. The Local Plan will need to satisfy a number of legal 'tests of soundness' at Examination concerning its preparation, which are to show that it has been positively prepared, justified, is effective and consistent with national policy. Adherence to the Act and the The Town and Country Planning (Local Planning) (England) Regulations 2012 will be critical to the Plan being found sound. The Plan will need to be in conformity with the London Plan and the National Planning Policy Framework.
17. There is a risk of third party legal challenge during the Plan preparation process, for example from developers/landowners regarding decisions to include/exclude sites as allocations within the Plan. Early consultations serve to mitigate the risk aiming to draw out any such issues before the critical Examination stage.

18. The current Core Strategy, and the Kingston Town Centre Area Action Plan will remain in place until the new Local Plan reaches adoption. The Local Plan will gather weight as it proceeds through production, and will be considered alongside existing adopted documents in decision-making to ensure that new planning proposals do not prejudice the emerging Local Plan. The weight to be afforded to the emerging Local Plan will be proportionate to the planmaking stage reached.

### **Risk Assessment**

19. There are risks associated with not adopting the LDS:
- The Council will not fulfil its statutory duties to produce an LDS.
  - Up-to-date policy documents provide greater guidance and certainty for developers. Without the LDS and confirmation that this guidance will be produced, future investment in the borough may be threatened
20. Full compliance with the legal requirements of plan making is the biggest risk to the production of the Local Plan. The Plan will need to meet the requirements of the Duty to Cooperate and the 'tests of soundness' as identified in government policy, as these will be the key elements tested against at the Examination in Public. The revised housing targets in the draft new London Plan pose significant challenges and continued dialogue with the GLA and other key partners will be necessary to enable the delivery of the LDS.

### **Equalities Impact Assessment**

21. The LDS does not require an Equalities Impact Assessment itself. An Equalities Impact Assessment will be undertaken as part of the Local Plan work programme and incorporated into the Sustainability Appraisal process to ensure that Local Plan policies do not disadvantage any groups or communities. The Sustainability Appraisal will be undertaken at key Plan-making stages to test the impact of policy options.

### **Health Implications**

21. The LDS include the production of the Local Plan which will identify the development and safeguarding needed to meet the future requirements of the borough including housing, employment, leisure, open space and other facilities, all of which are essential to ensure the health and well being of Kingston's residents and visitors.

### **Road Network Implications**

22. An evidence base is being assembled to support the production of the Local Plan. This includes a Transport Forecasting Report which assesses the implications of new development on both the road and public transport networks and associated mitigation measures necessary to deal with the issues arising.

### **Environmental and Air Quality Implications**

23. The Local Plan will be in line with the London Plan and NPPF which require rigorous examination of environmental and air quality implications associated with plan production and implementation. Its preparation will include a Sustainability

Appraisal that will ensure the Plan policies and site allocations do not harm environmental assets. The Plan will seek to protect, enhance and increase environmental assets such as nature habitat, water quality, flood protection, air/noise quality and open space.

## Appendices

- Annex 1: Local Development Scheme

## Background papers

- [Kingston's Core Strategy \(2012\) Royal Borough of Kingston Upon Thames](#)
- [The London Plan \(2016\) Mayor of London](#)
- [The Draft New London Plan \(2017\) Mayor of London](#)
- [The Draft New London Plan showing minor suggested changes \(2018\) Mayor of London](#)
- [Town and Country Planning Act 1990](#)
- [Planning and Compulsory Purchase Act 2004](#)

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