 Executive 3rd December 2008		Agenda Item No.
Title	Local Development Scheme Review	
For further information about this report please contact	Gary Stephens, Group Leader (Policy, Projects & Conservation)	
Service Area	Planning	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	10 th December 2007 Executive, Minute Number 700	
Background Papers	PPS12 "Creating Strong Safe and Prosperous Communities through local spatial planning" Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 Report to Executive on Local Development Scheme, December 2007	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <u>must</u> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	12.11.08	Bill Hunt
Chief Executive	13.11.08	Chris Elliott
CMT	13.11.08	
Section 151 Officer	12.11.08	Mary Hawkins
Legal	12.11.08	Peter Oliver
Finance	12.11.08	Marcus Miskinis
Portfolio Holder(s)	17.11.08	Councillor Hammon
Consultation Undertaken		
Please insert details of any consultation undertaken with regard to this report.		
Informal consultation with officers from the Government Office for the West Midlands.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

- 1.1 The Council are required to prepare, and regularly review, a Local Development Scheme (LDS). This is a project plan that outlines what planning policy documents the Council intends to prepare. The Council approved its current LDS in December 2007 and this was brought into effect in January 2008 following its submission to the Secretary of State.
- 1.2 This report seeks approval for a number of changes to the timescales within the Council's current Local Development Scheme in light of changes to the development plan regulations, and progress that the Council has made during 2008 in its programme of plan preparation.

2. RECOMMENDATION

- 2.1 That Members approve the changes to the current Local Development Scheme attached as Appendix One for submission to the Secretary of State and approve that the Local Development Scheme shall have effect as from the date when the Secretary of State notifies the Council that he does not intend to direct the authority to amend the Scheme.
- 2.2 That Members give authority to the Head of Planning in consultation with the Development Portfolio holder to agree any further minor amendments to the presentation of the Local Development Scheme prior to, or after submitting it to, the Secretary of State.

3. REASONS FOR THE RECOMMENDATION

- 3.1 The Planning & Compulsory Purchase Act requires all local planning authorities to prepare a Local Development Scheme and to review these as necessary. The current Warwick District Council Local Development Scheme was approved by this Executive in December 2007 and it is now appropriate that it be rolled forward taking account of changes in legislation and the findings of the Annual Monitoring Report on the relevant development plan documents (as set out below).

Core Strategy

- 3.2 There are two factors that have resulted in the requirement to amend the timetable for the Core Strategy. Firstly, progress towards the 'preferred options' consultation which was programmed to take place in January 2009 has been delayed. A senior member of the Policy Team has been on long term absence for a period of six months this year following an accident. In addition, the former Team Leader left the authority in July and was not replaced until September of this year. Alongside the increasing burden of annual monitoring returns to the region and the introduction of additional work areas, such as the Station Area brief, progress on the evidence base required to support the Core Strategy has been delayed.
- 3.3 In addition, the Government published in July a revised PPS12 "Creating Strong Safe and Prosperous Communities through Local Spatial Planning" and amended the Local Development Regulations. The main implications of these changes on the Core Strategy timetable are as follows:
 - The requirement to undertake a '**preferred options**' consultation has been removed, although community engagement in the production of the Core

Strategy must be undertaken in accordance with the Council's Statement of Community Involvement;

- There is a new requirement to **publish** the Core Strategy and consult on this document for a period of at least six weeks, prior to formally **submitting** the document to the Secretary of State; and,
- The timetable following submission of the Core Strategy to the Examination (**Hearing** as it is now referred to) and eventual adoption has been speeded up and should be completed within eight months.

3.4 These changes need to be reflected within a revised LDS. However, notwithstanding the Government's removal of the 'preferred options' consultation stage, it is considered both necessary and important that further consultation is undertaken by the Council on 'options' prior to publishing the Core Strategy. Stakeholders and the public are expecting further consultation and this will process will help to ensure a more robust Strategy is produced by the Council. The nature of this consultation may, however, be amended to be less formal than previous exercises and be more tailored to what is required at this stage. Officers will give further consideration to this and report in due course, with the intention that this consultation is undertaken during the early part of 2009.

3.5 The LDS will also need to reflect the new requirement to publish the Core Strategy prior to its submission to the Secretary of State. We are advised that the publication stage is in effect the same as the previous submission stage and therefore this is proposed to be achieved by September 2009. There would then follow a six week consultation on the published document (October/November), before all comments received are summarised by officers, following which the document is submitted to the Secretary of State (January 2010).

3.6 We are then advised that the Core Strategy is likely to be examined during May/June 2010, with an Inspectors Report expected to be completed by August 2010. The Council would then look to adopt the Core Strategy by October 2010. Notwithstanding the additional requirement for publication therefore, the speeded up examination process means the proposed date for adoption is the same as the current LDS.

3.7 This revised timetable is set out more clearly in Appendix One.

SPD on Open Space

3.8 The gathering of evidence to support this SPD has been a resource intensive exercise which has taken longer than initially envisaged. This has included an assessment of open space provision across the district and this involved visiting, recording and assessing all open spaces. This work was carried out entirely in-house, primarily by officers within Planning Policy. In addition, there was an assessment of the need for this open space. This is a specialist piece of work which was undertaken as part of a wider greenspace review by consultants for the Council.

3.9 At the time of preparing the timetable for the SPD last December, an estimation was made of the time required to complete and review the assessment work. The timetable has slipped during the course of the year due to further time being required by the consultant and by officers in testing the robustness of the evidence and the implications for planning and cultural services.

- 3.10 The draft SPD for public consultation is before this Executive and is intended to be the subject of consultation through to the early part of 2009, before coming back to Executive for adoption in March 2009.

SPD on Residential Design

- 3.11 Within the current LDS, work on this SPD was due to commence in April 2009. The preparation of an SPD on Residential Design should be distinguished from the Supplementary Planning Guidance (SPG) on Residential Design which has already been adopted and is now in use. The distinction between the two documents is that the SPG was prepared under the previous Government guidance, whilst the SPD would be prepared in accordance with the 2004 Planning & Compulsory Purchase Act. The procedural requirements on the latter are much more onerous than the former, however the SPD may carry greater weight in development control decisions. It has always been the intention that we would get the SPG prepared, and only go on to prepare an SPD if subsequently it was found that the SPG was not being given weight by Inspectors at appeal.
- 3.12 The SPG has not been sufficiently tested thus far, particularly since there have been very few planning applications for housing given the moratorium across the District. It would not therefore be appropriate to bring forward an SPD until we have had a reasonable amount of time to test the operation of the SPG. Furthermore, given the progress now made on the Core Strategy, it would be more beneficial to wait and prepare and adopt the SPD as guidance to support the Core Strategy policies as it will then be able to inform decisions post October 2010. The timetable for the SPD is therefore proposed to be put back 12 months and that work will not commence until April 2010.

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 None. It is a requirement that the Council keeps the Local Development Scheme up to date.

5. BUDGETARY FRAMEWORK

- 5.1 The projects contained within the Local Development Scheme will place burdens upon the planning service that will have financial consequences. One of the roles of the Local Development Scheme is to make clear the priorities of the local planning authority in terms of its programme of planning policy work. This will need to be reflected in the service plan.

6. POLICY FRAMEWORK

- 6.1 The Local Development Scheme is an important document which sets out the programme for the preparation of the Council's planning policy documents that make up its Local Development Framework. All planning policy documents that are prepared will need to align with the Sustainable Community Strategy and the Council's Corporate Strategy where appropriate.

7. BACKGROUND

- 7.1 The Local Development Scheme (LDS) is a project plan that outlines what planning policy documents the Council intends to prepare. It has a number of key features set out in the box below.




Local Development Scheme: Key Features




- It is a **requirement** of the Planning & Compulsory Purchase Act that all local planning authorities prepare an LDS.
- It must cover a period of **three years**.
- The LDS must be **reviewed regularly**.
- The LDS should only record **those documents that are covered by the Planning & Compulsory Purchase Act**; such as the Core Strategy, other Development Plan Documents and Supplementary Planning Documents.
- The LDS must be **submitted to the Secretary of State**. The Secretary of State will declare whether the LDS is “fit for purpose” and may object if it is considered that it is not.
- The LDS should be as **user-friendly** as possible. It is the intention that it is the public’s first point of contact with the Council’s plan-making function and should be easy for them to use.
- It should be a **resourced** document. There will be an expectation from Government that the Council can and will deliver on the plan-making commitments it makes in the Local Development Scheme. This means that the implications of the LDS will need to feed into the service planning and budgeting process.
- Having said this, it should also be a **flexible** document. The frequent review process for the LDS is an opportunity for the Council to respond to new circumstances and amend its plan-making programme accordingly.
- The LDS should be **accessible** and published on the Council’s website.

- 7.2 The Council approved its current LDS in December 2007 and this was brought into effect in January 2008 following its submission to the Secretary of State.

Council Performance against the Current Local Development Scheme

- 7.3 It is important that the LDS is annually monitored to measure whether the targets that the Council set itself have been achieved. This is done formally through the Annual Monitoring Report (AMR) which is prepared in December of each year and is a separate item on the Executive agenda.
- 7.4 The following table sets out the targets that the Council indicated in the LDS that it intended to meet by the end of 2008. It also records what was actually achieved and indicates, where relevant, where a revision to the current LDS may be appropriate. The performance against each milestone has been rated as follows:

	Indicates that the milestone has been reached, or that slippage has not been by more than three months
	Indicates that the milestone was not met, and slippage has been by more than three but not more than six months.
	Indicates that the milestone was not met, and slippage has been more than six months

LDS Target: By Dec 2008	What was achieved: By Dec 2008	Slippage	Rating
Core Strategy			
Pre-submission consultation	Pre-submission consultation undertaken on 'issues' and 'options' during 2007/2008.	None	
SPD on Open Space			
Consultation on draft SPD and adoption	The draft SPD has been prepared for public consultation and this is an item on the Executive agenda.	4 months	
SPD on Sustainable Buildings			
Consultation on draft SPD and adoption	The draft SPD has been subject to public consultation and is before this Executive for adoption.	None	

Proposed changes to the 2008 Local Development Scheme

- 7.10 This review of the LDS proposes a number of changes to the timetabling of the Council's Local Development Documents, in light of the above monitoring and changes to the Local Development Regulations. The key changes are summarised in Section 3 of this Report and set out in full in **Appendix One**.

Secretary of State's Involvement

- 7.11 We have informally consulted the Government Office on the content of our draft LDS and have been informed that it is satisfactory. There is a possibility, however, that in the in process of submitting the LDS to the Secretary of State some further minor changes are required to be made. It should be remembered that this LDS is part of a legislative framework that all parties, not least the Government Offices themselves, are learning how to implement. In the light of this, and so as not to delay the Council submitting our LDS to the Secretary of State, it would be prudent to allow for authority to be given to myself, in consultation with the Development Portfolio holder, to agree any minor presentational changes to the document that may need to be made following this meeting. Should any change of substance to the document be required, these changes will be brought back to Executive for approval.
- 7.12 Under the regulations, the Secretary of State has four weeks from the date the LDS is submitted to make any amendments to the Local Development Scheme (or request more time to consider it). If approval is given by Executive to submit the revised LDS and the call-in period ends on 11th December, the earliest the LDS could come into effect is 8th January 2009.

Comment

- 7.13 The next 12 months will require considerable effort and focus from the Policy Team within the Policy, Projects & Conservation Group of Planning on preparing the Core Strategy. This will require co-ordination of a number of related tasks, such as consultation and engagement with stakeholders, evidence gathering and monitoring, sustainability appraisal and options testing, and assisting the Council in demonstrating delivery of key developments and infrastructure, such as the Chandos Street proposals and the Station Area. At the same time, the Team are likely to be required to provide evidence to inform the debate at the RSS EiP next Spring.
- 7.14 In this context, the LDS has not sought to identify any additional development plan documents to prepare at this stage. This approach is consistent with advice from the Government Office and PPS12 which places more emphasis on the Core Strategy being the most significant document to prepare. The Council can also draw comfort in its approach from the fact that its Local Plan is up to date and will provide a sound basis for decision making for the coming year.

Appendix One: Schedule of Principal Changes to Local Development Scheme

Any changes to dates from that contained within the current (January 2008) Local Development Scheme are shown underlined and in italics.

Programme Management of Local Development Documents

Year		2007		2008				2009				2010				2011			
Quarter		3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Warwick District Local Plan (for information)																			
	Adoption of Local Plan	X																	
	Saved Policies from adoption																		
Development Plan Documents																			
1	Core Strategy DPD											S			A				
2	Proposals Map (as for Core Strategy)																		
Action Area Plans																			
	None.																		
Supplementary Planning Documents (SPD's)																			
3	Open Space SPD							A											
4	Residential Design SPD															A			

Key

Quarters

1 = January – March
3 = July – September

2 = April – June
4 = October – December

DPD Pre-production work
DPD Production
DPD Post Publication
SPD Production
S = Submission
A = Adoption



Profiles of each Local Development Document

1. Core Strategy

Overview

Role & Subject	This is a strategic document which sets out the vision, strategic objectives and delivery strategy for meeting development requirements up to 2026.
Coverage	District-wide
Status	Development Plan Document
Conformity	With existing RSS as informed, in due course, by the Regional Spatial Strategy: Revisions.

Timetable

Stage	Dates
Early stakeholder and community engagement and evidence gathering	January – December 2007
Consultation date: Issues and options	Spring 2008
Consultation phase: Preferred options	<u>Spring 2009</u>
Date of publication of Core Strategy	<u>September 2009</u>
Date of submission of Core Strategy to SofS	<u>January 2010</u>
Pre-hearing meeting	<u>March 2010</u>
Hearing	<u>May 2010</u>
Receipt of Inspector's report	<u>August 2010</u>
Estimated date for adoption	<u>October 2010</u>

Arrangements for Production

Organisational Lead	Head of Planning
Political Management arrangements	As a DPD, all key reports on the Core Strategy will need to be approved by Full Council following a recommendation from Executive. Political responsibility will rest with the Development Portfolio Holder.
Internal Resources	The Policy team under the direction of the Group Leader (Policy, Projects & Conservation).
External Resources	Consultants may need to be brought in to advise on matters as appropriate.
External Stakeholder Resources	Expertise from the local strategic partnership, local community, infrastructure and delivery agencies, and the development industry.
External Community & Stakeholder Involvement	In accordance with SCI, having regard to the amended regulations.
Monitoring and Review	Through the Annual Monitoring Report.

2. Proposals Map

Overview

Role & Subject	The adopted proposals map illustrates the policies and allocations set out in all development plan documents.
Coverage	District-wide
Status	Development Plan Document
Conformity	N/A, however will need to conform with all adopted DPDs.

Timetable

As the proposals map is prepared alongside DPDs, and is revised every time a DPD is revised, its timetable for preparation will be the same. In the case of this Local Development Scheme, the only DPD scheduled for preparation is the Core Strategy DPD. The timetable for the proposals map will therefore be the same as for this document. It should be noted that the proposals map will also need to show allocations/safeguarding areas from the Minerals and Waste DPDs produced by Warwickshire County Council.

Arrangements for Production

Organisational Lead	See "Core Strategy" DPD (3 above).
Political Management arrangements	See "Core Strategy" DPD (3 above).
Internal Resources	See "Core Strategy" DPD (3 above).
External Resources	See "Core Strategy" DPD (3 above).
External Stakeholder Resources	See "Core Strategy" DPD (3 above).
External Community & Stakeholder Involvement	See "Core Strategy" DPD (3 above).
Monitoring and Review	See "Core Strategy" DPD (3 above).

3. Supplementary Planning Document on Open Space

Overview

Role & Subject	To provide further planning guidance for enhancing and providing open space across the District to support policy SC13 in the Warwick District Local Plan (1996-2011).
Coverage	District-wide
Status	Supplementary Planning Document
Conformity	With the RSS and policy SC13 of the Warwick District Local Plan (1996-2011)

Timetable

Stage	Dates
Evidence gathering and preparation of draft SPD	March 2007 – <u>December 2008</u>
Consultation date: Draft SPD	<u>December 2008 - February 2009</u>
Estimated date for adoption	<u>March 2009</u>

Arrangements for Production

Organisational Lead	Head of Planning and Head of Cultural Services
Political Management arrangements	SPD will be approved by the Executive. Political responsibility will rest with the Development Portfolio Holder.
Internal Resources	The Policy team under the direction of the Group Leader (Policy, Projects & Conservation) together with the officers from Cultural Services
External Resources	None.
External Stakeholder Resources	User groups including residents associations. Parish and town councils. Input from developers as appropriate.
External Community & Stakeholder Involvement	Having prepared the draft SPD, consultation will take place with a wide range of stakeholders including all of the above organisations, plus Sport England and other interested parties in accordance with the Statement of Community Involvement.
Monitoring and Review	Through the Annual Monitoring Report.

4. Supplementary Planning Document on Residential Design

Overview

Role & Subject	To provide further guidance on residential design to support policies of the emerging Core Strategy.
Coverage	District-wide
Status	Supplementary Planning Document
Conformity	With the RSS and appropriate policies of the Core Strategy

Timetable

Stage	Dates
Evidence gathering and preparation of draft SPD	<u>April – September 2010</u>
Consultation date: Draft SPD	<u>October – November 2010</u> <u>(anticipated)</u>
Estimated date for adoption	<u>March 2011 (anticipated)</u>

Arrangements for Production

Organisational Lead	Head of Planning
Political Management arrangements	SPD will be approved by the Executive. Political responsibility will rest with the Environment Portfolio Holder.
Internal Resources	The Conservation & Design team under the direction of the Group Leader (Policy, Projects & Conservation) and the Development Control Team under the direction of the Head of Development Control.
External Resources	None.
External Stakeholder Resources	Local architects, consultants and developers. Local Amenity groups National Amenity Groups (English Heritage, Georgian Group, Victorian Society, 20 th Century Society, etc.)
External Community & Stakeholder Involvement	Prior to preparing the SPD, early consultation will take place with the above groups and through the Council's Conservation Area Advisory Forum (CAAF) to explore any options that accord with emerging Core Strategy policy and Government guidance. Having prepared the draft SPD, consultation will take place with a wide range of stakeholders including all the above plus parish and town councils and all other interested parties.
Monitoring and Review	Progress towards preparing this SPD will be monitored through the Annual Monitoring Report.