

 FULL COUNCIL 24th OCTOBER 2012		Agenda Item No. 14
Title	Local Plan Timetable and Member Involvement in the Local Plan	
For further information about this report please contact	Dave Barber	
Service Area	Development Policy Manager	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	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	12 th MAY 2012	
Background Papers	<p>Strategy for the Future and Sustainable Prosperity of Warwick District – Council meeting on 1st December 2011</p> <p>Report on Local Plan Timetable – Council meeting on 25th January 2012</p> <p>Local Plan Preferred Options – Council meeting on 12th May 2012</p>	

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 <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	2/10/12	Bill Hunt
Chief Executive	2/10/12	Chris Elliott
CMT	2/10/12	
Section 151 Officer		Mike Snow
Legal		

Finance		N/A
Portfolio Holder(s)	13/1/12	Cllr Les Caborn
Consultation Undertaken		
Please insert details of any consultation undertaken with regard to this report. Consultation has taken place with Executive Members and Group Leaders		
Consultation has been undertaken WCC Transportation as a key infrastructure provider		
Final Decision?		Yes

1. SUMMARY

- 1.1 This report sets out revisions to the Local Plan timetable to better enable a full and robust evidence base to be constructed prior to preparing the submission draft of the Local Plan and to enable infrastructure planning and a Community Infrastructure Levy (CIL) Scheme to be developed alongside this.

2. RECOMMENDATIONS

- 2.1 That the revised Local Plan and Community Infrastructure Levy Scheme timetable set out in Table 1.1 be approved.
- 2.2 That the proposals for the ongoing involvement of members in the preparation of the Local Plan as set out in paragraph 3.24 be approved.
- 2.3 That the inputting of public consultation representations be independently verified prior to finalising the report on public consultation.

3. REASONS FOR THE RECOMMENDATIONS

Recommendation 2.1: the revised Local Plan timetable set out in Table 1.1 below be approved

- 3.1 Members have rightly been concerned to ensure that the Local Plan progresses as quickly as it can so that an adopted Plan can carry full weight in making planning decisions. As shown in table 1.1 below, the Local Plan timetable adopted by Council in January 2012 aimed to move to approving a draft Local Plan by January 2013, leading to a 6 week period of consultation in March/April 2013, and an Examination in Public in October/November 2013. It was anticipated that this would enable the Plan to be adopted in March or April 2014.
- 3.2 An alternative timetable is now proposed which seeks to provides for the process to establish the necessary evidence base, to develop sound proposals and to define infrastructure requirements to take place before the approval of a draft Local Plan/CIL Scheme by Council. However, as can be seen from table 1.1, this revised timetable has very little impact on the likely date of adoption.

Table 1.1

	Current Timetable (approved January 2012)	Revised Timetable	Difference
Approval of draft Local Plan/CIL Scheme by Council	January 2013	May 2013	4 months
Publication of draft	February 2013	N/A	

Plan			
Consultation starts	March 2013	June 2013	3 months
Consultation end	April 2013	July 2013	3 months
Submission to Secretary of State	June 2013	September 2013	3 months
Pre-hearing meeting	July/August 2013	October/November 2013	3 months
Examination in Public Hearing	October/November 2013	December 2013 - Jan 2014	2 months
Receipt of Inspectors Final Report	February/March 2014	March/April 2014	1 month
Adoption	March/ April 2014	April/May 2014	1 month

- 3.3 In considering whether there is a case to revise the Local Plan Timetable, discussions have taken place with the Planning Inspectorate (PINS) about the likely timescales for their part of the process and the balance of risks have been considered.
- 3.4 PINS have advised both verbally – confirmed through the information they publish on their website – that a reasonable period of time between submission to the Secretary of State and receipt of the Inspector’s final report, is 6 months. This makes it possible to spend more time on establishing the evidence base, developing sound proposals and defining infrastructure requirements without unduly delaying the likely adoption date.
- 3.5 Careful consideration has been given to the balance of risk associated with the revised timetable.
- 3.6 Risk that planning applications could be submitted for sites in advance of the draft Local Plan
- 3.7 Potentially weighing against revising the timetable is the risk that planning applications could be submitted for sites in advance of the draft Local Plan. Based on the Regional Strategy Phase Two Review (the most up to date requirements that have been tested through Examination), we do not currently have a 5 year supply of housing land. We can therefore reasonably expect developers to put forward applications for housing, particularly in areas outside the green belt. Indeed we are already aware that applications are being prepared. A significant issue here is about the 5 year supply of housing land which means we can place only limited weight on the housing policies in our existing Local Plan and that applications will therefore need to be assessed against the National Planning Policy Framework (NPPF) and the need to achieve sustainable development.

- 3.8 The definition of sustainable development includes “creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being”.
- 3.9 So, the NPPF still provides a reasonably robust framework for consideration of applications including for instance the need to ensure co-ordinated infrastructure planning takes place and the cumulative effect of developments sites which are close to one another is taken into account.
- 3.10 It is possible that the proposal to report the draft Local Plan to Council in May instead of January will be perceived by some in the development community as a reason to put in an earlier application. The reality is that we can expect early applications anyway and given our lack of a 5 year supply of housing land, the framework for assessing these applications will be the same either way. There is therefore little difference between the two timetables shown in Table 1.1 above in terms of impact on this risk.
- 3.11 There are a number of risks associated with the Local Plan timetable that was approved in January 2012. To manage these risks, thorough research needs to be undertaken to ensure that we have robust data to underpin our draft Plan. These risks therefore weigh in favour of revising the timetable as recommended.
- 3.12 Risk that the robustness of our housing numbers will be challenged
- 3.13 The Preferred Options proposed a preferred level of growth of 600 new houses per year based on the Strategic Housing Market Assessment (SHMA), with 550 p.a. of these being on “new allocated sites”. During the consultation this figure has inevitably come under close scrutiny. There are also a number of factors that have changed since the SHMA was undertaken in 2010, not least changing national economic forecasts, the 2011 Census, the Localism Act (including the Duty to Cooperate) the publication of the NPPF and some changing local context such as the potential for development at the Coventry and Warwickshire Gateway.
- 3.14 As a result of these changing circumstances there is a need to consider carefully the representations that have been made (some arguing our housing numbers are too low, some arguing they are too high) and to take time to review the data which underpins our emerging housing requirements to ensure that our housing numbers are robust. Failure to do this could result in our plan being susceptible to challenge or being found unsound (failure to comply with sections 33a of the 2004 Act). A challenge or an unsound plan could lead to a much more significant delay.

- 3.15 Risk that there could be a challenge to the distribution of growth – in particular the amount of green belt land we need to allocate for development
- 3.16 To allocate sites for development within the current green belt we need to be able to justify exceptional circumstances to alter the green belt boundaries. The need for housing land could be regarded as an exceptional circumstance. However to establish whether there are exceptional circumstances that can apply locally there are two key factors that need to be resolved. The first is having robust evidence in relation to our housing growth numbers (see 3.12 above). The second is being clear about the capacity of non-green belt land to meet the required level of growth.
- 3.17 This second factor requires a study to be undertaken to look at the infrastructure capacity (especially transport) to the south of Warwick and Leamington to show whether releasing green belt to the north is required.
- 3.18 If we publish a draft Local Plan before these issues are resolved we are likely to face substantial objections and this could give rise to two potential difficulties:
- The Plan may not be justified by robust evidence and could lead to a determination that it is not sound (e.g. paragraph 182 of the NPPF)
 - We need to conduct a sustainability appraisal of our options and this also needs to be soundly based. Failure to fully take account of housing requirements and the justification of the green belt could undermine the sustainability appraisal and therefore could render the Plan unsound.
- 3.19 Risk that outcome of Coventry and Warwickshire Gateway could impact significantly on the content of the Local Plan
- 3.20 The Gateway application has now been lodged and the Council is currently working to a determination by Planning Committee in December 2012. Were the Planning Committee to support the application, it would then have to be referred to the Secretary of State who may or may not choose to call it in.
- 3.21 There are a number of scenarios that could play out in relation to the Gateway:
- a) It could be that evidence shows that the Gateway will not have a major impact on the rest of the Plan (e.g. overall housing numbers; distribution of housing, employment land requirements). If this is the case, the Plan can be prepared with some confidence with or without the Gateway included as a specific site;
 - b) It could be that a final decision on the Gateway is made by January or February, (for instance the Secretary of State may decide not to call it in). In this case, if the proposed alternative timetable is followed,

the Plan can be developed with clarity about the outcome and impact of the Gateway;

- c) It could be that the Secretary of State calls in the application and takes some months to reach a decision. If this is the case, there will be prolonged uncertainty about the Gateway and it will therefore be necessary to have a contingency plan in place, which in turn will require some time to prepare and justify. The proposed alternative timetable would mean there is potential to do this contingency planning.

3.22 In summary, uncertainty about the Gateway will be a significant risk (particularly in scenarios b) and c) above) and if we do not address it appropriately in the Plan, an Inspector may well find the Plan unsound. The proposed alternative timetable provides the scope to manage these risks. Scenario a) could be planned for within both timetables.

3.23 Whilst there are risks associated with the revised Plan timetable – especially the potential perception amongst the development community that the plan is being further delayed - the balance of risk appears to lie in favour of revising the Local Plan timetable so that more work is done prior to publication thereby reducing the risk that the Plan will be found unsound or will be susceptible to substantiated challenge. The alternative timetable outlined in table 1.1 reduces the risk of longer term delay and elongated periods of planning without a Local Plan framework.

Recommendation 2.2: the proposals for the ongoing involvement of members in the preparation of the Local Plan as set out in paragraph 3.24 be approved

3.24 Members will have a central role in shaping the draft Local Plan. Accepting that there will be some difficult decisions to make and accepting that whatever the content of the draft Plan it will need to be evidence based, it is important that members are kept involved and informed in the most appropriate way. The following structures and responsibilities are therefore proposed:

3.24.1 **Group Leaders Meetings**

a. Membership: 4 Group Leaders, Deputy Leader, CMT, Head of Development Services, Development Policy Manager

b. Purpose: To provide a strategic steer on the development of a draft Local Plan in line with the Strategy agreed by Council on 1st December 2011 and the Infrastructure Delivery Plan/CIL scheme, including:

- The overall level of growth
- The location of growth and the allocation of sites for housing and employment
- Overall strategic framework for policy development
- The Local Plan Timetable and process for involvement of members and strategic partners

c. Meetings: Meet Monthly from November 2012 until May 2013

3.24.2 **Informal Executive Meetings**

- a. Membership: All Executive Members, CMT, Head of Development Services, Development Policy Manager
- b. Purpose: To consider and review the strategic steer provided by the Group Leaders Meetings on the development of the draft Local Plan.
- c. Meetings: Meet Monthly from November 2012 until May 2013

3.24.3 **Policy Review Group**

- a. Membership: one member from each political group plus two members from Planning Committee, supported by staff from the Development Policy Team as appropriate.
- b. Purpose: To consider the wording of policies that have been drawn up by the Development Policy Team ensuring that the detailed policy wording is in line with the policy direction set by the Council and Group Leaders Meetings to ensure the policy wording is practical and comprehensive.
- c. Meetings: Meet Monthly from December 2012 until April 2013

3.24.4 **All Member Briefings**

- a. Membership: All members
- b. Purpose: To receive updates on Local Plan/IDP/CIL progress and issues for information and informal comment
- c. Meetings: Updates in January 2013, March 2013 and April/May 2013

3.24.5 **Political Groups Briefings**

- a. Membership: All members within their political groups
- b. Purpose: To receive updates on Local Plan/IDP/CIL progress (from Group Leaders) and discuss the Group's views on the issues arising
- c. Meetings: At the discretion of Group Leaders

3.24.6 **Geographical Meetings of Members**

- a. Membership: All members within the Locality Area they represent
- b. Purpose: To receive updates on Local Plan/IDP/CIL progress and discuss the implications for the geographical area, particularly in relation to infrastructure
- c. Meetings: March or April 2013

3.24.7 **Council**

- a. Membership: All members
- b. Purpose: To agree the draft Local Plan, Infrastructure Delivery Plan and CIL Scheme
- c. Meetings: May 2013

Recommendation 2.3: That the inputting of public consultation representations be independently verified prior to finalising the report on public consultation.

- 3.25 The public consultation is an open and transparent process. This has the advantage that the inputting of public consultation responses and the development of the report of the public consultation can be scrutinised by the public. In order to ensure that public confidence in the consultation process is not undermined, it is intended to commission an independent verification of the inputting of representations and the production of the consultation report. Specifically, we will continue to:
- Adopt a process and standards used previously and which is common across councils for the inputting of representations
 - Ensure all summaries are prepared or checked by professional planners prior publication
 - Inform all respondents as to how their representation has been summarised so that they have the opportunity to verify the summary.
- 3.26 In addition to this and to address any concerns about the robustness of the process and standards we are using, we will commission an independent assessment of the process and the outcomes it has delivered so that everyone can have confidence that it is unbiased and members in particular can be confident that they are making decisions based on evidence.

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 An alternative option would be to pursue the existing timetable agreed at Council on 25th January. However given the timescales required to complete the analysis of the consultation and the evidence base and given that the balance of risk points towards a revised timetable this option has been rejected. The existing timetable would also make it difficult to develop more detailed infrastructure requirements alongside the identification of sites.

5. BUDGETARY FRAMEWORK

- 5.1 There are no direct budgetary implications of this report.

6. POLICY FRAMEWORK

- 6.1 This report does not change the relationship between the Local Plan and the Council's wider policy framework as set out in "Fit for the Future", the Sustainable Community Strategy and associated plans.