

Cabinet
27 May 2021

Title: Local Development Scheme (LDS)
Lead Officer: Lorna Hale; Andrew Cornfoot
Portfolio Holder: John Cooke
Public report
Wards of the District directly affected: All

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: Yes

Included within the Forward Plan: Yes

Equality Impact Assessment Undertaken: Yes, as part of the Local Plan 2011-2029

Consultation & Community Engagement: Not required

Final Decision: Yes

Accessibility Checked: Yes

Officer/Councillor Approval

| Officer Approval | Date | Name |
|--|-------------|---|
| Chief Executive/Deputy Chief Executive | 27.04.21 | Chris Elliott, Bill Hunt |
| Head of Service | 26.04.21 | Phil Clarke |
| CMT | 27.04.21 | Chris Elliott, Andy Jones, Bill Hunt, Dave Barber |
| Section 151 Officer | 27.04.21 | Mike Snow |
| Monitoring Officer | 27.04.21 | Andy Jones |
| Finance | 27.04.21 | Mike Snow |
| Portfolio Holder(s) | 14/5/21 | John Cooke |

1. Summary

- 1.1 This report seeks approval for a refreshed Local Development Scheme (LDS) with the inclusion of the production of the South Warwickshire Local Plan. The LDS is a requirement of the Planning and Compulsory Purchase Act 2004 and sets out the work of the Planning Policy team over the next 3 years in terms of the production of planning documents. It is updated annually.

2. Recommendation

- 2.1 That Cabinet notes the content of the LDS (Appendix 1) and agrees to adopt the LDS and its proposals for delivery of planning documents over the forthcoming 3 years.
- 2.2 That Cabinet delegates authority to the Head of Development Services, in conjunction with the Portfolio Holder, to draw down up to £30,000 from the Planning Reserve to cover the additional costs associated with preparing the Climate Change & Sustainable Buildings DPD

3. Reasons for the Recommendation

- 3.1 Adoption and publication of a Local Development Scheme is a statutory requirement of the Planning and Compulsory Purchase Act 2004, which lays out the coverage and duration of the document required. This includes a provision for an annual review of the Scheme to ensure it remains relevant and up-to-date.
- 3.2 The Warwick District Local Plan (2011–2029) was adopted in September 2017, and as such a revision of the LDS is required to detail the Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) that are required to support the Local Plan and add further detail for applicants and decision makers.
- 3.3 Much of the programme of work is driven by commitments within the Local Plan. As well as these commitments, additional work will arise in response to either local planning issues or changes in national legislation. Where possible these are factored into the Scheme, and a refreshed LDS is produced annually to reflect progress made and any new areas of policy being worked on.
- 3.4 The 2020 LDS was adopted by Cabient in March 2020. Prior to this in November 2019, an amendment was made to the 2019 LDS to allow for the introduction of a significant new DPD related to climate change and the rearrangement of other areas of work.
- 3.5 The proposed revised LDS makes a number of changes to the work programme of the planning policy team. This is a result of several factors; the impact of the pandemic on the team's ability to progress certain work areas during 2020, technical challenges with certain projects and – most importantly – new areas of work which have emerged since the LDS was last updated.

- 3.6 The following comments can be made about specific projects within the proposed LDS.

Health Impacts Supplementary Planning Document (SPD)

- 3.7 It is proposed to remove this as it is considered to be more expedient and appropriate to provide a guidance note for Development Management staff.

Review of the Local Plan: The South Warwickshire Local Plan (SWLP)

- 3.8 The National Planning Policy Framework (NPPF) requires Local Plans to be reviewed every 5 years to ensure that they remain relevant and continue to deliver the growth laid out in the Plans. This Council has agreed that work on the Local Plan Review will be undertaken jointly with Stratford District Council, whose Core Strategy is also in need of review and the authorities are now working collaboratively to produce a South Warwickshire Local Plan. The scoping of this plan has already commenced with most of the policy team involved. Some initial presentations were made to various stakeholder groups in January and February 2021 and an initial public consultation on a Scoping Report, as well as a "Call for sites" is currently underway.
- 3.9 The SWLP was not anticipated as an immediate priority this time last year and so did not appear within the currently adopted LDS. It has previously been anticipated that work on the Local Plan review would commence in late 2021 or 2022. The need to progress this work more urgently has come, largely, from a requirement on Stratford District Council to commence a review of its Core Strategy immediately. Work on the SWLP has therefore become a top priority for the team. This significant additional task has impacted on the other current priorities including the DPDs on Climate Change and also Purpose Built Student Accommodation (PBSA).
- 3.10 Work on the South Warwickshire Local Plan is in its infancy and given that the timescale for its delivery is subject to change, it should be noted that the LDS programme accompanying this report is an interim timetable pending more information with regard to the Plan programme overall. This will be subject to the results of the Scoping consultation, which commenced on 10 May and the anticipated response of the government to their consultation on the Planning White Paper, due later this year. It is likely, therefore, that a revised timetable for the SWLP will need to be produced later in 2021. This will need to be agreed both by this Council and Stratford District Council as an update to this LDS.

Climate Change & Sustainable Buildings DPD

- 3.11 Work continues on this document however it has proven harder to deliver than first envisaged. This is due to the need to identify a suitable standard to adopt and for technical expertise and advice, which we are currently seeking from consultants. The challenge with this document has been to find an approach which satisfies the Council's ambitions, is technically deliverable and – importantly – is practical and affordable to implement on a daily basis by planning officers in determining planning applications.
- 3.12 Because there is a need for technical expertise to carry this work forward, the Climate Emergency Action Fund is being utilised to support additional

specialist technical advice to support remaining stages of producing the DPD. In addition to this however, funds from the Planning Reserve will be needed including to fund the Examination in Public. Whilst approval for some of this has already been given previously by Cabinet, recommendation 2.2 above requests a further £30,000 to enable the work on the DPD to proceed.

Purpose Built Student Accommodation (PBSA) DPD

- 3.13 The PBSA DPD has slipped due to priority being given to the climate change work and SWLP and to the fact that as a result of the pandemic, the numbers of overseas students has been impossible to predict this year and into next year. This has a major impact on our understanding of the need for student accommodation and PBSA in particular. The challenges faced by the University in predicting student numbers makes it very difficult to have a reliable evidence base on which to prepare a PBSA DPD and on which its soundness would depend.
- 3.14 The team has been in active and positive dialogue with the University to explore how the University can support the Council in bringing this document forward at the earliest opportunity. The proposed LDS does show a slippage in the production of this document from the previous LDS, however it is hoped that with support from the University it may be possible to expedite this piece of work.
- 3.15 Linked to work on PBSA is policy H6 (Houses in Multiple Occupation and Student Accommodation) in the current Local Plan. The scope of the PBSA DPD will include consideration of whether policy H6 needs to be reviewed and updated.

Canalside DPD

- 3.16 This has been held up due to a Regulation 19 consultation needing to be carried out to progress to submission to the Secretary of State for a formal Examination in Public. The pandemic has greatly restricted access for the public to consultation material and we were awaiting the advice of the Planning Inspectorate to progress. This has now been resolved and the Statement of Community Involvement has been amended to take account of times when it is not in the public interest to have contact with hard copies of documents or submit paper representations. The Regulation 19 consultation has subsequently taken place.
- 3.17 The current resources within the planning policy team are described in the background information section later in this report. The pressure on the policy team, particularly with both Senior Planners working solely on the South Warwickshire Local Plan, has resulted in other work having to be moved further back in the programme over the last year.

Resources to deliver the Local Development Scheme

- 3.18 Members should note that when the decision was made to commence work on the SWLP, no additional staffing resources were identified for this. Whilst this is perfectly reasonable (the review of the Local Plan would have become the major work commitment for the team over the next couple of years regardless of whether we were working jointly with SDC) this does impact on the team's capacity to undertake other work. This is particularly relevant as there is an urgency to commence the work on the SWLP.
- 3.19 At the last review of the Warwick District Local Plan, the planning policy team was larger than it is currently. Other work was put completely on hold whilst the entire team were engaged in the work for the Plan and no other documents were produced during that time. Currently the smaller team is involved in producing a number of other documents including several DPDs, all of which follow exactly the same procedure as the Local Plan with the same stages and consultations attached, culminating in an Examination in Public (EIP).
- 3.20 As work progresses on the SWLP, the team will face additional challenges in providing the service that Members and the public have come to expect. All officers will be involved to a greater or lesser extent, and initial work on the SWLP has suggested that this will consume team resources beyond any dedicated team that is due to be created to focus on the delivery of the Plan. This will have an impact on officer capacity to deliver other elements of the LDS next year. Officers will therefore carefully manage team resources to deliver items in the LDS, and where necessary, prioritise and look at ways of securing additional resources.

4. Policy Framework

Fit for the Future (FFF)

- 4.1.1. The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report shows the way forward for implementing a significant part of some of the Council's Key projects."
- 4.1.2 The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found on the Council's website. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.
- 4.1.3 The SWLP will allow the future planning of the wider area, bringing together the teams at Warwick and Stratford district councils with the first major piece of combined work. With many similarities, particularly in geography, between the two districts, it is considered that it will benefit both communities to prepare a plan which will cover a longer time period, allowing for better planning of infrastructure and a vision stretching to 2050.

- 4.1.4 With this council having declared a climate emergency, it is considered that preparing a Climate Change & Sustainable Buildings DPD is key to ensuring that new developments are built to such a standard that the council's target of net zero carbon or as close as possible by 2030, is met.

4.2 Supporting Strategies

- 4.2.1 Each strand of the FFF Strategy has several supporting strategies. The Local Plan is one of the key strategies, cutting across many of the FFF strands. The LDS details the delivery of commitments made within the Local Plan.

4.3 Impact Assessments

- 4.3.1 There are no equalities or environmental impacts associated with the proposals in this report.

5. Budgetary Framework

- 5.1 Some additional funds are being drawn down from the Climate Emergency Action Fund to pay for additional expert advice to support the remaining stages of preparing the Climate Change DPD. In addition to this, there is already provision within the Planning Reserve for officers to draw down funds to support work on the LDS documents. It is considered, however, that further budget will be required to complete the Climate Change DPD including, importantly, the costs associated with the Examination in Public. An estimate of £30,000 has been made for this. It is therefore requested that a further £30,000 is drawn down from the Planning Reserve to cover costs associated with this DPD.

6. Risks

- 6.1 There are no specific risks associated with approving the LDS.

7. Alternative Option(s) considered

- 7.1 The Council could choose not to adopt this Local Development Scheme, and instead suggest a different range of priorities and timetable for the delivery of the identified documents. However, the attached LDS has been developed to bring forward the right documents as swiftly and efficiently as possible. Therefore, this option has been discounted. The preparation and maintenance of a LDS is a requirement of the Planning and Compulsory Purchase Act 2004.

8. Background

- 8.1 The Warwick District Local Plan (2011-2029) was adopted in September 2017. This comprehensive Plan sets out the required additional planning documents which form the basis of the Local Development Scheme.
- 8.2 The production and maintenance of a LDS is a requirement of the Planning and Compulsory Purchase Act 2004 and has in the past few years principally

focussed on the adoption of the Local Plan and production of Supplementary Planning Documents.

- 8.3 The Climate Emergency Action Plan (CEAP) confirms the timelines for a plan review to take place by 2022, with work commencing this year. Alongside statutory considerations, such as conformity with the NPPF and the delivery of sufficient housing, the South Warwickshire Local Plan now proposed, will embed combatting the climate emergency within the Plan's new policies.
- 8.4 The Planning Policy team has delivered six SPDs in the last two years and have worked with Qualifying Bodies to produce a number of Neighbourhood Development Plans which are at various stages; all moving toward adoption. The Authority Monitoring Report and the Infrastructure Funding Statement have also been produced in a timely manner and according to regulations. The South Warwickshire Local Plan and each of the DPD's require substantially more work than SPD's, the majority of which have now been delivered. There are more stages for public consultation and a full examination in public with a Planning Inspector, to be undertaken in addition to the early preparation and consultation stages required for a SPD. This takes a considerable amount of additional time and stretches resources.
- 8.5 The DPDs that have slipped from previous iterations of the LDS are the Climate Change and Sustainable Buildings DPD; the PBSA DPD; and the Canalside DPD. Work on the Gypsy and Traveller DPD is likely to be subsumed into the SWLP.
- 8.6 The Policy team currently comprises a Principal Planning Policy Officer, a full time and a part time Senior Planner, a Planning Assistant and the Development Monitoring Officer. The work on the South Warwickshire Plan is currently taking up all of the time of the two Senior Planners and there is additional input from the Principal Officer and the Business Manager for Policy and Site Delivery. The Planning Assistant and the Development Monitoring Officer are both training under the council's apprenticeship scheme and are therefore not yet qualified and are currently effectively part time due to University commitments. In addition, a senior planner in the team will be working part time (namely 3 days per week) effective July 2021.