

Wiltshire Council

Cabinet

15 November 2011

Subject: Wiltshire Local Development Scheme

Cabinet Member: Councillor Fleur de Rhé Philipe - Economic Development and Strategic Planning

Key Decision: No

Executive Summary

The existing Local Development Scheme (LDS) was published in January 2009 and should be reviewed. Approval of the revised LDS will ensure that Wiltshire Council has an up-to-date timetable for preparation of planning policy in Wiltshire that will provide certainty to local communities and stakeholders. In addition to the development plan documents that are being prepared, it is proposed that the timetable for the preparation of Community Infrastructure Levy be included.

In light of ongoing changes to the planning system by Government, it is proposed that the LDS is reviewed in six to nine months time, once the changes to the planning system have become clear and new priorities for the Council can be identified.

The proposal is to approve the timetable and milestones in accordance with Regulations for key planning policy documents for Wiltshire. It does not provide the opportunity to consider the content or approach of the documents being prepared.

Proposals

That Cabinet:

- (i) Approves the Local Development Scheme as set out at **Appendix 1**.
- (ii) Authorises the Director for Economy and Enterprise, in consultation with the Cabinet Member, to make minor amendments to the Local Development Scheme in the interests of clarity and accuracy before submitting it to the Secretary of State.

Reason for Proposals

Wiltshire Council is required to prepare a Local Development Scheme in line with the Planning and Compulsory Purchase Act 2004. The published Local Development Scheme was prepared in 2009 and requires updating.

Alistair Cunningham**Service Director, Economy and Enterprise
Department of Neighbourhood and Planning**

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Purpose of Report

1. To seek approval for a revised Local Development Scheme (LDS) for Wiltshire and update the timetable for preparation of new development plan policies for Wiltshire.

Background

2. In December 2008, the Implementation Executive approved Wiltshire Council's first LDS for submission to the former Government Office for the South West. The LDS is a three year plan that shows the development plan documents the Council would prepare and the timetable for their preparation. The Wiltshire LDS was published in January 2009 and included the following development plan documents (DPDs):
 - (i) South Wiltshire Core Strategy
 - (ii) Wiltshire Core Strategy
 - (iii) Gypsy and Traveller Site Allocations
 - (iv) Wiltshire and Swindon Minerals Development Control Policies
 - (v) Wiltshire and Swindon Waste Development Control Policies
 - (vi) Wiltshire and Swindon Minerals Site Allocations
 - (vii) Wiltshire and Swindon Waste Site Allocations
3. Documents (iv) and (v) were adopted by the Council in June 2009 as programmed in the LDS. The other documents were originally programmed for adoption between April 2010 and July 2011. However, the need to respond to issues raised during consultations, or accommodate changes in Government policy and therefore undertake additional consultation has resulted in the need to extend the timeframe for preparation.

4. In accordance with Government policy, the Council's Annual Monitoring Report, published in December each year, has set out progress against the milestones in the LDS, explaining why these have been extended. In addition, in consultation with Cabinet Members, officers have kept the timetable for the preparation of these documents up-to-date on the Council's website, in line with advice from the former Government Office for the South West, so that information is publically available.
5. Until the Localism Bill is enacted, the requirement to consult the Secretary of State on amendments to the LDS still remains and once approved the new LDS should be submitted to the Department for Communities and Local Government.
6. The Localism Bill and associated draft regulations place new responsibilities on the Council to support Neighbourhood Planning. The Council is currently supporting a number of pilot projects and developing a protocol to provide guidance and to enable the Council to effectively support the development of these plans.

Main Considerations for the Council

7. Wiltshire Council's LDS requires updating in light of the need to take into account ongoing changes to the planning system and formally review the published timetables for preparation of development plan documents (DPDs). The updated LDS is provided at **Appendix 1**. This will give certainty to local communities and other stakeholders about the timetable for the preparation of new planning policy, including when public consultation will be undertaken. Government clarified in March this year that there is no need to refer to Supplementary Planning Documents within the LDS. The outstanding DPDs are still considered relevant and should continue to be prepared. These are discussed in turn below.

South Wiltshire Core Strategy

8. The Council has now received the Inspector's Report into the examination of the South Wiltshire Core Strategy, which found the document to be sound. This DPD can now proceed through to the final stages of adoption, with adoption by Council programmed for February 2012.

Wiltshire Core Strategy

9. The report to Cabinet on 24 May 2011 indicated that the pre-submission consultation draft of the Wiltshire Core Strategy would be brought back to Cabinet for approval in November 2011, consistent with the published timetable. However, since then Government has published the draft National Planning Policy Framework (NPPF). Planning Inspectors are already having regard to the direction of travel set out in the draft NPPF in examining plans and the Wiltshire Core Strategy will need to ensure that it is in reasonable compliance, particularly given the possibility that this could be in place when the Core Strategy reaches examination. As a consequence, it is considered that the earliest the pre-submission draft Wiltshire Core Strategy can be brought to Cabinet will be January 2012.

10. The timetable proposed is challenging and reflects the need to progress the Core Strategy quickly in order to have an up-to-date development plan in place for Wiltshire as early as possible to ensure plan-led development. Currently, the draft NPPF sets out the presumption in favour of sustainable development, which means that without an up-to-date plan in place the county could see speculative development taking place.
11. The proposed timetable up to Submission is considered deliverable subject to no other unforeseen circumstances arising and the consultation period taking place over a six week period ending before the Easter weekend (by 6 April 2012), with attendance by officers at Area Boards as required.
12. At the point of Submission of the plan to the Secretary of State, the Planning Inspectorate will expect the Council to outline what is a reasonable timeframe for the examination process, although the Inspectorate will ultimately determine the course of the examination. Given the amount of consultation the Council has undertaken to develop the plan it is anticipated that the examination process should be more focused and therefore shorter in duration than may otherwise be expected, as there should be less challenge to the plan. In light of the Government's expectation that 'Local Plans' (i.e. the Core Strategy) should be prepared expediently and put in place as soon as possible the aspiration is to adopt the Core Strategy during December 2012. This will be dependent upon timely receipt of the Inspectors report and the ability of the Inspectorate to undertake an efficient examination.

Gypsy and Traveller Site Allocations

13. The issues and options consultation on the Gypsy and Traveller Site Allocations DPD was approved by Cabinet on 23 February 2010 and consultation took place between 6 April and 4 June 2010. Since this time, the uncertainty over the status of Regional Spatial Strategies, and thus the level of pitch provision that Wiltshire should provide for, led to the need to undertake consultation on revised figures for the period 2006 to 2016 through the recent Core Strategy consultation. As a result, the timetable for the Gypsy and Traveller Site Allocations document needs to be aligned with the Core Strategy consultation, so that there is reasonable certainty behind the level of pitches to be provided and appropriate sites identified in accordance with the figure. Adoption is programmed February 2014.

Minerals Site Allocations

14. The report to Cabinet on 14 June 2011 indicated that the pre-submission draft Minerals Site Allocations DPD would be presented to Cabinet in September 2011, although this was dependent on being able to quickly complete the evidence base. This is now programmed for December 2011 in line with Swindon Borough Council's Cabinet date.
15. The subsequent stages have been brought in line with the Core Strategy to allow efficiencies to be made during consultation. Submission is proposed for July 2012 in line with Swindon Borough Councils committee arrangements. Adoption is programmed for December 2012.

Waste Site Allocations

16. Following Cabinet on 22 March 2011 and Full Council on 17 May consultation was undertaken on the Submission Draft Waste Site Allocations DPD. The response to the consultation, in particular the proposals relating to Castledown Business Park, has led to further work being undertaken. The Full Council resolution requires approval for submission of the DPD to the Secretary of State to be brought to Environment Select Committee for their recommendation to Cabinet and Full Council. This will need to take place in January 2012 in order for Wiltshire Council to be broadly aligned with Swindon Borough Council's Committee cycle.
17. Adoption is programmed for Full Council in November 2012.

Environmental and Climate Change Considerations

18. The DPDs included within the LDS relate to the development and use of land and have implications for the physical, economic and social environment of Wiltshire. Sustainability Appraisal, incorporating Strategic Environmental Assessment and Habitats Regulations Assessment, will be undertaken as part of their preparation to ensure that negative environmental impacts are avoided and policies and proposals deliver development in a sustainable manner. Climate change considerations form an important part of the Appraisal.

Equalities Impact of the Proposal

19. In line with Regulations, when DPDs are submitted to the Secretary of State for examination they must be accompanied by an Equality Impact Assessment. Consultation processes and stakeholder engagement will seek to ensure that everyone has the opportunity to inform their preparation.

Risk Assessment

20. The LDS includes a challenging timescale and is dependent on sufficient resources being available to ensure timely delivery of sound plans based on robust and credible evidence. Further changes to Government policy, legislation and regulations could delay the process.
21. The draft NPPF introduces the 'presumption in favour of sustainable development' and states that where plans are out of date, silent or indeterminate, then permission should be granted. The former district Local Plans were only originally intended to be in place until 2011 but have in effect been rolled forward until they are replaced. It is important that Wiltshire has up-to-date policy in place as soon as possible, in particular the Wiltshire Core Strategy, to ensure plan-led growth that best meets the needs of Wiltshire can be delivered.
22. Beyond 2014, the Council will not be able to collect commuted sums through Section 106 Agreements and will need to become a Charging Authority for the Community Infrastructure Levy (CIL) prior to this date.

Financial Implications

23. Existing budgets will meet the costs expected within this financial year. Costs associated with the examination and adoption of the documents will be met from 2012/13 and 2013/14 budgets.
24. Early adoption of the Core Strategy in particular will provide the planning policy framework to facilitate the delivery of new housing and not be disadvantaged in relation to the New Homes Bonus. In addition, the ability of the Council to become a Charging Authority for Community Infrastructure Levy and secure this form of funding into the area is dependent upon a sound Core Strategy being in place.

Legal Implications

25. In accordance with the Planning and Compulsory Purchase Act 2004, the Council has a statutory duty to prepare planning policy, which has been reinforced through the draft National Planning Policy Framework and emerging Localism Bill.
26. In accordance with existing and emerging legislation, LDSs must be prepared and Inspectors examining plans will consider whether a plan has been prepared in line with these. The revised LDS will need to be submitted to the Secretary of State following approval by Cabinet.

Options Considered

27. Consideration has been given as to whether the DPDs could be reprioritised or are no longer needed. In light of the changing national planning policy context and/or current issues in Wiltshire it is considered important that all the DPDs continue to be progressed as quickly as possible, with priority afforded to the Wiltshire Core Strategy.
28. Wiltshire Council is required to maintain an up-to-date LDS.

Conclusions

29. The existing LDS was published in January 2009 and should be reviewed. Approval of the revised LDS will ensure that Wiltshire Council has an up-to-date timetable for preparation of planning policy in Wiltshire that will provide certainty to local communities and stakeholders. In addition, to the DPDs that are being prepared, it is proposed that the timetable for the preparation of CIL is included, particularly given the lack of understanding within local communities as to when this can come forward.
30. In light of the ongoing changes to the planning system, it is proposed that the LDS is reviewed in six to nine months time once the changes to the planning system have become clear and new priorities for the Council can be identified.

Alistair Cunningham

Service Director, Economy and Enterprise
Department of Neighbourhood and Planning

Report Authors:

Alistair Cunningham

Director for Economy and Enterprise

Tel No. (01225) 713203

Georgina Clampitt-Dix

Head of Spatial Planning

Tel No. (01225) 713472

The following unpublished documents have been relied on in the preparation of this Report:

None

Appendices:

Appendix 1 - Draft Local Development Scheme 2011-2014