

**IMPLEMENTATION EXECUTIVE  
10 DECEMBER 2008**

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**LOCAL DEVELOPMENT SCHEME AND  
GOVERNANCE ARRANGEMENTS FOR SPATIAL PLANNING****Executive Summary**

This report makes recommendations about how the Spatial Planning Service should continue to function in the light of the Transitional Regulations which came into force on 28 November 2008. In particular, it seeks approval for a Local Development Scheme for Wiltshire and governance arrangements to ensure its implementation. It also emphasises the importance of providing adequate resources for the service and recommends that the Local Development Framework is made a corporate priority for Wiltshire Council. Immediate priorities and work that needs to be progressed prior to June 2009 (including consultations) are identified.

**Proposal**

It is proposed that the Implementation Executive be asked to:

- (i) Note and approve in principle the Draft Local Development Scheme for Wiltshire (**Appendix 1 – Appendices A – D of Appendix 1 are available on the website and in the Members’ Room**) for submission to the Government Office for the South West, and agree that the Director for Economy and Enterprise be authorised to make any final amendments to the detail, in the interests of clarification and accuracy.
- (ii) Agree the terms of reference for the Local Development Framework (LDF) Member Group (**Appendix 2**), including the agreement for nominated Members (as referred to in Paragraph 22) serving on the Group to continue from 1 April 2009 until June 2009.
- (iii) Authorise the Service Director for Economy and Enterprise to be responsible for the work of the forward planning function of the Council, and to make appropriate arrangements for District Council staff to be directly responsible to the Director for Economy and Enterprise.
- (iv) Acknowledge the LDF as a corporate priority and recognise the need to properly resource the service.
- (v) Note and agree that the LDF Member Group should approve the West of Swindon Study and consultation arrangements.
- (vi) Note that consultation on the Draft Sustainability Appraisal Scoping Report will start in January, and that a report of the outcome and the proposed final Scoping Report will be presented to the Implementation Executive in April 2009.
- (vii) Note that a Statement of Community Involvement will be prepared for consideration by the Implementation Executive on 1 April 2009.

### **Reason for Proposal**

The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 that came into force on 28 November 2008:

- (i) Makes successor councils responsible for discharging in advance of the reorganisation date the local functions under Part 2 of the 2004 Planning Act. Thus they are responsible for performing the strategic spatial planning function for the new unitary area including development plan preparation; and
- (ii) Requires the successor council as local planning authority, to submit a Local Development Scheme for Wiltshire to the Secretary of State not later than three months before the reorganisation date of 1 April 2009

This report responds to the implications of the Regulations. It makes recommendations to ensure that the forward planning function can be effectively undertaken during the transitional period prior to the new Council being in place and that good progress continues to be made on delivery of the new Wiltshire Local Development Framework.

### **ALISTAIR CUNNINGHAM**

Director for Economy and Enterprise

### **Glossary of Terms:**

<b>Local Development Scheme (LDS)</b>	A three year plan which shows the local development documents to be produced and the timetable for their production.
<b>Local Development Framework (LDF)</b>	This is the term given to the overall folder of local development documents (LDDs). Together the LDDs provide the Local Planning Authority's land use and spatial policies for the district.
<b>Local Development Document (LDD)</b>	Any document within the Local Development Framework. They comprise development plan documents, supplementary plan documents and the statement of community involvement.
<b>Development Plan Document (DPD)</b>	A document setting out the Council's planning policies and proposals. They are subject to community involvement, consultation and independent examination. A sustainability appraisal is required for each development plan document.

**LOCAL DEVELOPMENT SCHEME AND  
GOVERNANCE ARRANGEMENTS FOR SPATIAL PLANNING**

**Purpose of Report**

1. To:
  - (i) Seek approval for the Local Development Scheme (LDS) for Wiltshire and appropriate governance arrangements including delegated responsibilities, so that continuity of service delivery is ensured in the transitional period before the reorganisation date.
  - (ii) Recommend that the Spatial Planning Service is adequately resourced and that the Local Development Framework (LDF) is made a corporate priority to ensure the timely preparation of a new development plan for Wiltshire to deliver the plan-led positive management of growth.
  - (iii) Note that it is important that the LDS is approved in order to ensure its submission to the Secretary of State by 31 December 2008 in accordance with statutory requirements.

**Background**

2. 'The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008' came into force on 28 November 2008. The Regulations make all successor councils responsible for discharging, in advance of the reorganisation date (1 April 2009), the functions under Part 2 of the Planning and Compulsory Purchase Act 2004. This means that the Implementation Executive has become responsible for discharging the forward planning functions of the district councils, in particular the preparation of local development documents and the LDS.
3. Regulation 22 specifically requires that a LDS for the new unitary area be submitted to the Secretary of State three months before the reorganisation date of 1 April 2009. The LDS will set out the Local Development Documents (LDDs) that will be produced by the new Council over a three year period and the timetable for their production. The Government expects authorities to deliver the agreed timetables.
4. Officers of the District and County Councils have been working with the Government Office for the South West (GOSW) to determine the components and project plan for a new Wiltshire LDS. Funding was also secured from the Planning Advisory Service which appointed planning consultants Baker Associates to provide impartial advice on the production of a robust project plan for the Wiltshire Core Strategy and the resources required for its delivery in terms of levels of staff and budgets. The consultants produced their report in September and their advice has been used to support further discussions with GOSW and develop the budget proposals and structure for the Spatial Planning Service.

5. The Transitional Regulations (Regulation 23) also make provision for successor Councils to not be bound by any existing Statements of Community Involvement (SCI) that may exist for their area. Regulation 23 requires only minimum standards to be met when preparing LDDs, as set out in the 2004 Local Development Regulations, until the re-organisation date. This allows the Council to prepare its LDDs in accordance with a single set of minimum criteria rather than different requirements set out in multiple SCIs.

## **Main Considerations for the Council**

### **Wiltshire Local Development Scheme**

6. The LDS included at **Appendix 1**, provides for the continuation of a number of existing LDDs that are at an advanced stage of preparation. These relate to the Minerals and Waste Development Plan Documents (DPDs) that are being prepared in partnership with Swindon Borough Council. Joint arrangements have been in place since the creation of Swindon Borough Council in the mid 1990s to work together on minerals and waste planning matters. There is no reason to dissolve these arrangements. Therefore for the foreseeable future, minerals and waste policy will remain separate from the documents that need to be produced to cover other issues.
7. In addition, the LDS provides for the continuation of the South Wiltshire Core Strategy that relates to the Salisbury district area. Members should be aware why work is continuing in South Wiltshire on a Core Strategy. Firstly, good progress has already been made on the Core Strategy with submission anticipated by September 2009, compared to submission of the Wiltshire Core Strategy in January 2011. The early adoption of policies for the Salisbury Core Strategy will ensure that a five year supply of land for housing can be maintained. This is particularly important in Salisbury, because unlike the other district areas, housing delivery has fallen short of the Wiltshire and Swindon Structure Plan 2016 requirements. Efforts need to be made to improve housing delivery and increase overall levels of supply. The situation is further exacerbated in the Salisbury Housing Market Area (HMA) by the step change in housing delivery that is required once the housing distributions within the Regional Spatial Strategy for the South West (RSS) are published in their final form. This is expected in Spring 2009.
8. Alongside the South Wiltshire Core Strategy, the LDS provides for the preparation of a new Core Strategy for the whole of the unitary area. This will, in effect, replace the South Wiltshire Core Strategy when it is adopted. However, Members should be aware that the content of the South Wiltshire Core Strategy will be taken forward into the Wiltshire Core Strategy. This means that the key outcomes within the South Wiltshire Core Strategy, for example, those relating to the general strategy, broad location and distribution of growth and allocation of strategic sites, will be carried forward into the Wiltshire Core Strategy, provided that new substantive evidence has not come forward indicating that these should change.
9. During the preparation of the South Wiltshire Core Strategy there have been high levels of community participation which are being championed as a national exemplar. This process has not been without difficult issues. The growth agenda required to meet local housing needs and ensure that jobs are supplied to deliver the future economic prosperity of the area requires some tough choices with few easy options. However, the debate is now well advanced and a clear strategy is emerging. This will stand the new Council in good stead, as many of the issues in South Wiltshire should not need to be reopened.

10. The GOSW is currently supporting this two-phased approach of the Wiltshire Core Strategy with the continuation of the South Wiltshire Core Strategy as the first phase. The South Wiltshire Core Strategy will enable Wiltshire Council to make an immediate start on delivering much needed affordable housing and jobs in south Wiltshire in a managed and timely manner. Correspondence from GOSW to Salisbury District Council dated 27 October 2008 sets out their latest position:

*"We welcome the progress this represents toward providing a spatial strategy for Salisbury and south Wiltshire and toward Wiltshire as a whole. In our view a central justification for this Core Strategy progressing in advance of a single Core Strategy for Wiltshire remains the urgent need to ensure a sufficient supply of land for new housing. At present, this remains our view despite the challenging state of the current housing market."*

11. The South Wiltshire Core Strategy will only identify new strategic employment and housing sites equating to the first five years of the plan period, and may identify further local development documents that are required to provide more detailed policy for the South Wiltshire HMA. The Wiltshire Core Strategy will therefore build on the outcomes of the South Wiltshire Core Strategy to identify additional sites to enable sufficient strategic land to be delivered over the remainder of the RSS plan period to 2026.
12. Unlike the current Local Plans, the Core Strategy is a more strategic document and will only make provision for strategic sites allocations. A subsequent DPD that is in conformity with the Core Strategy and provides for more detailed policy (including the allocation of non-strategic sites) will be required to ensure that plan-led growth occurs at settlements that best meets the needs of communities. It is unclear at this stage what this DPD should cover. Accordingly, as recognised in paragraph 17 below, provision for this document should be made in the first review of the LDS. However, given the need to have policy in place, work to allocate non-strategic sites at settlements, particularly villages, will need to be progressed alongside the Core Strategy. This is to ensure that the policy can be brought forward quickly to adoption once the Core Strategy has been found sound.
13. The LDS also makes provision for the preparation of one other LDD to be progressed alongside the Core Strategy. This relates to the identification of sites for Gypsies and Travellers to meet RSS figures when published in their final form. As Members will be aware, the Government continues to press for the needs of Gypsies and Travellers to be met. In the light of the imminent publication of the RSS, the need to identify and deliver sites will become increasingly urgent and Wiltshire will become at further risk from speculative rather than planned site provision. As the need identified in the RSS relates to the period 2011, GOSW is supporting the position that a separate DPD should be prepared as quickly as possible using the RSS for conformity rather than waiting until a new Core Strategy is in place to deliver new sites.
14. Baker Associates recommendations (paragraph 9.3 of their Report, referred to in paragraph 4) as set out below effectively supports the collective views of Officers tasked with preparing the LDS, with the exception of the recommendation relating to Gypsies and Travellers:
- *LDS should focus on the delivery of the current programme of Minerals and Waste DPDs, the South Wiltshire Core Strategy and the Wiltshire Core Strategy;*
  - *The first review of the LDS should make provision for the development of an Affordable Housing SPD and an Infrastructure SPD and Community Infrastructure Levy Charging Schedule (subject to provisions in Government policy), although preparatory work should now commence alongside the Wiltshire Core Strategy;*

- *The Wiltshire Core Strategy should include a policy framework for gypsies, travellers and travelling showpeople and allocate specific sites.*

15. The key milestones for delivery of the Wiltshire Core Strategy and South Wiltshire Core Strategy are summarised below, together with the Gypsy and Traveller Site Allocations DPD.

	<b>South Wiltshire Core Strategy DPD</b>	<b>Wiltshire Core Strategy DPD</b>	<b>Gypsy &amp; Traveller Site Allocation DPD</b>
<b>Stakeholder Engagement</b>	Formal stages completed October 2008.	Formal consultation stage on overall preferred strategy for distribution of growth and identification of strategic sites to take place October to November 2009.	To be completed by September 2009.
<b>Publication of Core Strategy (6 week formal consultation)</b>	July 2009	September 2010	December 2009
<b>Submission to Secretary of State</b>	September 2009	January 2011	May 2010
<b>Adoption</b>	April 2010	July 2011	December 2010

16. Both the Minerals and Waste Core Strategies are at an advanced stage of preparation and programmed for adoption by March/April 2009, following receipt of the Inspectors Report. The key milestones for the Minerals and Waste Site Allocations and Development Control Policies DPDs are summarised below.

	<b>Minerals Development Control Policies DPD</b>	<b>Waste Development Control Policies DPD</b>	<b>Minerals Site Allocations DPD</b>	<b>Waste Site Allocations DPD</b>
<b>Stakeholder Engagement</b>			Formal consultation on initial options July 2009.	To be completed by April 2009
<b>Publication of Core Strategy (6 week formal consultation)</b>			December 2009	August 2009
<b>Submission to Secretary of State</b>	July 2008	July 2008	March 2010	December 2009
<b>Adoption</b>	June 2009	June 2009	December 2010	September 2010

17. The LDS includes a clear commitment to reviewing the LDS at an early stage to introduce new local development documents once the Wiltshire Core Strategy is well underway and once it becomes clear what other documents need to be delivered to support the emerging Core Strategy and to deliver the priorities of the new Authority. In particular, as addressed in paragraph 12 above, there will be the need to prepare a DPD that plans for Wiltshire's smaller rural settlements and identifies non-strategic site allocations.
18. As set out in paragraph 14 above, Baker Associates recommend that the first review of the LDS should make provision for the development of two supplementary planning documents (SPDs) relating to affordable housing and infrastructure delivery. However, they clearly recognise that work should commence now alongside the Wiltshire Core Strategy. This will ensure that sufficient evidence exists to support the Core Strategy. It will demonstrate how affordable housing policies will be implemented and that there is a reasonable prospect of infrastructure provision to support sustainable growth.
19. The LDS also provides for a new SCI to be prepared by April 2009. The Transitional Regulations waive the requirement for the SCI to be subject to an examination in public. Baker Associates recommends that a corporate SCI should be developed to ensure that the planning process generally is in line with Council aspirations for future community participation and engagement (paragraph 9.2). This corporate approach would be in line with Government advice and best practice.
20. In the period prior to the new SCI being adopted, the LDDs will be prepared in accordance with the minimum Regulations referred to in paragraph 5 above. The LDS provides clarification about the type of consultation and engagement that will be undertaken.

### **Governance Arrangements and Delegation**

21. The briefing of the Implementation Executive on 27 August 2008 agreed in principle that a 'Wiltshire Local Development Framework Management Board' would be established comprising of one Member from each authority to oversee the development of the Wiltshire LDF in the interim period prior to the new Council being in place. Terms of reference have now been drafted. These are set out at **Appendix 2** for agreement.
22. It should be recognised that the Group could include district councillors who may be required to meet in the period between 1 April 2009 and the elections for the new Council in June 2009. After 31<sup>st</sup> March 2009 some of these may no longer have their 'elected' status. The Implementation Executive therefore needs to agree that the Member nominations on the Group can continue until such time that the new Council is established, at which point the need for the Group can be reviewed in the light of new Committee structures and Member responsibilities.
23. Following the elections in June 2009, it is proposed that a Strategic Planning Committee be constituted to oversee the preparation of the Wiltshire LDF. A proposal to this effect was considered in the report of the Service Director for Development to the Implementation Executive on 13 November. This would enable the new authority to discharge most of its strategic planning responsibilities for both major applications and forward planning. However, it should be recognised that there is a statutory requirement for full Council to also approve DPDs at both submission and adoption stages.

24. In order to discharge the forward planning function effectively, it is necessary for relevant Officers to have the appropriate delegated authority to undertake work to deliver the LDS and to ensure continuity of the service through the transitional period without unnecessary recourse to the Implementation Executive.
25. Within the District Councils, Officers had delegated responsibilities for taking forward work on all planning policy matters excluding those relating to minerals and waste, which is a County Council function. This delegation has effectively disappeared now that the new Regulations are in force. The Service Director for Economy and Enterprise requires delegated authority to undertake the necessary work involved in the preparation of the Wiltshire LDF and wider forward planning function of the Council. The Director for Economy and Enterprise will liaise with the relevant Portfolio Holders of the Implementation Executive, as necessary, in undertaking this responsibility.
26. Decisions on key stages of the LDF process will now be formally reported to Members through the Implementation Executive (and subsequently the new Wiltshire Council's Strategic Planning Committee and full Council, as appropriate), rather than the District Councils' decision making processes.
27. In giving the Implementation Executive plan-making responsibilities, the Transitional Regulations intend to streamline decision making so that progress can be made with a new development plan for the new unitary area. This is particularly important as the timetable for delivery of the Wiltshire Core Strategy is ambitious and challenging.
28. Until appointments are made to key posts within the new structure for the Directorate of Economy and Enterprise, it is proposed that the Director for Economy and Enterprise makes appropriate arrangements for existing Spatial Planning Staff to be directly responsible to him. Current Team Leaders will directly report to the Director for Economy and Enterprise on all aspects of work relating to LDF preparation.

## Resources

29. Spatial planning is an integral part of a local authority's 'place-shaping role'. The importance of the service to the new Council will need to be recognised. **Appendix 3** includes some extracts from the Baker Associates report setting out the importance of spatial planning and the corporate support and service integration that is required in order to deliver a successful LDF. In particular, at Paragraph 9.3 of their report Baker Associates recommend that:
  - *Full recognition is given to the positive and proactive role of spatial planning to deliver community aspirations and the Council's political priorities;*
  - *A properly resourced LDF team is developed to ensure the timely and efficient delivery of the Wiltshire Core Strategy;*
  - *Service planning arrangements are put in place to ensure that supporting the delivery of the LDF is one of the key tasks for staff within wider corporate service areas.*



30. It will be important for the Spatial Planning Team to be properly resourced in terms of staffing and revenue budgets. GOSW is concerned that the new authority makes available sufficient resources to not only fully staff the new Service, but also ensure that funds are allocated to cover costs incurred through consultation, commissioning specialist reports/studies and resources for Public Examinations including Inspectors' cost as and when necessary. Representation through the budgetary process has been made by the Service Director to this effect.
31. The revenue budget available to the Spatial Planning Group as a whole (which includes services other than LDF preparation) equates to about £1.4 million in the proposed 2009/2010 budget. This is considered adequate to cover the expected costs for 2009/2010. However, the provision of a rolling contingency fund has also been requested to enable years of unusually high or unforeseen expenditure to be managed (e.g. detailed work on flood risk assessments, examination costs and legal challenges). This is under consideration and will require Members' approval through the budget process. It is being proposed that a rolling reserve of up to £0.5 million is maintained by the new authority for unexpected or high resource demands in any one year.
32. Investing in the preparation of a sound and robust Wiltshire Core Strategy and preparation of the LDF as a whole will enable the Council to be better placed to make timely decisions on proposed developments (avoiding the resource intensive appeal process) and to ensure that sustainable development is delivered which best meets the needs of Wiltshire's communities. A proactive rather than reactive approach to development is the key to effective service delivery.

#### **Immediate Priorities**

33. North Wiltshire District Council and Wiltshire County Council are currently working jointly with Swindon Borough Council on preparing an evidence-base Study to appraise the options for accommodating growth to the West of Swindon in the form of urban extensions within North Wiltshire District (as proposed within the Draft Regional Spatial Strategy). Swindon Borough Council is at a more advanced stage in its Core Strategy preparation and it will be important that the study is taken forward in the short term so that the new Unitary Council will be in a position to be able to challenge and inform that process, and to ensure the proper planning of Swindon's growth within Wiltshire, including any necessary infrastructure provision being secured.
34. It is proposed that consultation is undertaken on the Study in January 2009 and that the LDF Member Group is responsible for approving the Study for consultation purposes and agreeing the nature of consultation to be undertaken. The aim of the consultation should be to enable the community and stakeholders to start to engage with the Council on how growth should be accommodated and to provide the opportunity for comments to be made on the Study. No key decisions will be made, but the outcomes of the consultation will help inform the preferred options for accommodating future growth at Swindon, should the numbers in the RSS be confirmed. The outcomes will also provide Officers with evidence in order to represent the interests of the Council, as statutory consultee, on the Swindon Core Strategy.
35. In addition, technical work has been completed on a Draft Sustainability Appraisal Scoping Report that must be consulted upon before it is finalised, in order to meet statutory requirements. This consultation is programmed to start early in January 2009 and will be used to publicise the new LDS for Wiltshire.

36. Finally, Members should be aware that the statutorily required Annual Monitoring Report for the Wiltshire LDF will need to be submitted to GOSW by 31 December 2008.

### **Environmental Impact of the Proposal**

37. Spatial Planning has implications for the physical, economic and social environment. A Sustainability Appraisal incorporating Habitats Regulations Assessment will be undertaken for key documents within the LDF. This will ensure that negative environmental impacts are avoided and sustainable development can be delivered.

### **Equalities Impact of the Proposal**

38. The Wiltshire LDF and the forward planning function of the Council aims to positively manage growth and development in Wiltshire and seeks to improve the quality of life for all. Consultation processes and stakeholder engagement will seek to ensure that everyone has the opportunity to inform the preparation of development plan policy.

### **Risk Assessment and Options Considered**

39. In accordance with the Transitional Regulations, the Implementation Executive must submit to the Secretary of State by 31 December 2008 a Local Development Scheme for the new unitary area of Wiltshire. A risk assessment for the delivery of the LDS is included in **Appendix 1**. The LDS includes an ambitious and challenging timescale for preparation of the Wiltshire Core Strategy and will need sufficient resources to ensure the timely delivery of a sound plan that is based on robust and credible evidence.
40. The new authority needs to adopt a Core Strategy for Wiltshire as quickly as possible in order to ensure the delivery of plan-led growth which meets the needs of its communities. The extant Local Development Plan (District Local Plans) is becoming increasingly out of date. New policy needs to be in place as soon as possible, particularly in the light of the forthcoming publication of a new RSS that is due to be finalised early 2009.

### **Financial Implications**

41. Sufficient resources for the Spatial Planning Service are required to ensure the LDDs can be prepared to agreed timescales. The costs of the service to the new authority is similar to that of the five authorities but with a leaner management structure. However, it is also recommended that a rolling reserve of up to £0.5 million is maintained to provide for contingencies or unusually high costs that can be associated with the plan making process.
42. Service Managers from across the Council (for example, community planning, housing, sustainable transport, economic development and education) will also need to engage with Spatial Planning and ensure staff resources are available to support preparation of the LDF. An integrated LDF that fully involves all parts of the Council in its preparation has the potential to maximise beneficial outcomes for Wiltshire. Accordingly it has indirect financial implications for the authority.
43. Early adoption of up to date development plan policy across Wiltshire should help Development Control deliver a more efficient service. The LDF also enables funding to be attracted to the area to deliver new and improved infrastructure.

## **Legal Implications**

44. The Local Government Transitional Regulations require the Implementation Executive to submit a LDS for the new unitary area of Wiltshire by 31 December 2008. In accordance with the Planning and Compulsory Purchase Act 2004 and associated Regulations, the new Council has a statutory duty to prepare a LDF. In addition, the Implementation Executive now has a statutory duty to undertake the forward planning function for Wiltshire.

## **Conclusion**

45. It is proposed that the Implementation Executive approve in principle the LDS for Wiltshire for submission to GOSW before the end of the year and that the Director for Economy and Enterprise has delegated authority to make any final amendments in the interest of clarification, accuracy and sound project planning. In order to ensure service delivery between now and the new Council being elected, appropriate governance arrangements need to be in place to deliver the milestones within the LDS. Given that the Implementation Executive now has responsibility for delivery of the Wiltshire LDF, the Director for Economy and Enterprise requires delegated authority in order to ensure that the necessary work involved in its preparation is undertaken.
46. Terms of reference for the LDF Member Group also need to be agreed in order to allow for Member involvement for all authorities in the early stages of the Wiltshire Core Strategy preparation prior to new Council Committee structures being in place. This Group could also inform the shaping of the Spatial Planning Service. The initial item for consideration by the Group is approval of the West of Swindon Study for consultation.
47. Finally, it is important that the Spatial Planning Service is properly resourced and the LDF made a corporate priority. This should ensure the timely delivery of a new development plan for Wiltshire so that sustainable plan-led development that meets the needs of its communities can be achieved.

## **ALISTAIR CUNNINGHAM**

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

Baker Associates Report – September 2008

**Appendix 1 – Local Development Scheme**

**Appendix 2 – Terms of Reference for Wiltshire Local Development Framework  
Member Group**

**Appendix 3 – Extracts from Baker Associates Report September 2008**