

# REPORT TO THE COUNCIL

Report No.7

<b>Date of Meeting</b>	<b>30/1/2007</b>
<b>Title of Report</b>	A Local Development Scheme for North Wiltshire – Second Revision 2007 - 2010
Link to Corporate Priorities	The production of the Local Development Scheme and all related priorities dependant upon spatial planning policies.
Public Report	YES

## Summary of Report

The Local Development Scheme is a mandatory requirement of all Planning Authorities who prepare Local Development Framework documents. It sets out a three year programme for the delivery of those documents. It is a requirement that this Scheme be approved by the Secretary of State.

This Council approved the Local Development Scheme on the 5<sup>th</sup> of December 2007. Unfortunately, shortly thereafter the Bowood Estate withdrew their support for a Bowood Estate Area Action Plan.

A revised version of the Council approved Local Development Scheme is therefore presented here for final approval.

The submission of a Local Development Scheme is a function of Council.

The new programme will require a commitment to additional funding in 2008-09 and 2009-10. This should be considered, along with all other requests for addition resources, in the 2007-10 budget process. The Recommendation is therefore contingent upon the approval of funding.

## Officer Recommendations

**1. That the Council approve the Second Revised Local Development Scheme 2007 – 2010 Version 3.6 as attached in Appendix A for submission to the Secretary of State, contingent upon funding;**

or,

**2. That the Council approve the Second Revised Local Development Scheme 2007 - 2010 Version 3.6 as attached in Appendix A, as amended by this Council for reasons to be stated, for submission to the Secretary of State, contingent upon funding;**

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
YES	YES	YES	YES	YES
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## 1. Introduction

- 1.1 The Local Development Scheme is a mandatory requirement of all Planning Authorities who prepare Local Development Framework documents. It sets out a three year programme for the delivery of those documents. It is a requirement that this Scheme be approved by the Secretary of State.
- 1.2 This Council approved for the purposes of submission to the Secretary of State the Second Revised Local Development Scheme on the 5<sup>th</sup> of December 2006. This has not yet been submitted.
- 1.3 Since then, a letter has been received from the agents acting for the Bowood Estate who have withdrawn their client's interests in the Bowood Estate Area Action Plan. The reasons are explained in these extracts from the letter dated 18<sup>th</sup> January 2007.

*"I write further to our meeting earlier today with Lord Lansdowne regarding the above matter.*

*Having spent a great deal of time over the past 12 months preparing and collating the 'base line' data designed to inform the preparation of the AAP, we have now reached the stage in the process where it has been possible to prepare and evaluate 4 'options' for progress, being:*

- *Option 1 – Adoption of the AAP, which will guide the continuing diversification and development of the Bowood Estate over the next 10 years;*
- *Option 2 – Adoption of elements of the AAP that together form a scaled down version of the overall document – i.e. some development opportunities set out in the AAP will be incorporated and other opportunities will no longer be considered or pursued;*
- *Option 3 – No further action on the AAP and a continued reliance upon ad hoc development being promoted through the development plan system;*
- *Option 4 – No Action – i.e. no additional development upon the Estate.*

*These options are contained within the revised draft 'Issues and Options' document, contained herewith.*

*Having now analysed the options in further detail, and having regard to other 'external' factors such as Gordon Browns acceptance of the recommendations of the Barker Report, which may include the re-introduction of a 'planning gain supplement', Bowood have concluded that Options 1 and 2 may no longer deliver the desired levels of 'certainty' and 'flexibility' they had originally hoped for.*

*On this basis, Bowood therefore propose the adoption of 'Option 3', being no further action on the AAP and a continued reliance upon ad hoc development being promoted through the development plan system. Whilst this does not deliver any additional 'certainty', it does assist the Estate in maintaining ultimate flexibility, which Bowood considers to be paramount due to various external factors that may affect how business decisions are taken over the coming years.*

*Both Lord Lansdowne, the team at Bowood, and I would like to take this opportunity to thank you for providing the opportunity to progress an AAP for Bowood and for your help and assistance over the past 12 months."*

- 1.4 The following broad changes are therefore incorporated into the Second Revised Local Development Scheme.
- (i) The Removal of the Bowood Estate Area Action Plan
- (ii) Consequential amendments including a revision of the “resources” section.
- 1.5 The Local Development Scheme as set out in Appendix A incorporates these suggested amendments.
- 1.6 Once approved by this Council, it will be sent to the Secretary of State immediately for his consideration and approval. From previous experience, this is expected to occur in May 2007.

## 2. Options and Options Appraisal

### 2.1 Option 1: To continue with the Council approved Second Local Development Scheme 2007 – 2010 both in terms of content and in time-tabling.

- 2.2 This option will require the provision of a local development document hostile to the wishes of a significant landowner. It may result in this Council not achieving the landmark decision dates set out in that LDS. This will have consequences in respect of this Council’s ability to present a sound Local Development Framework to the Secretary of State for approval.

## 3. Background Information

- 3.1 Appendix A contains the text of the Local Development Scheme itself which includes comprehensive background information.

## Implications

### Financial

- The new programme will require a commitment to additional funding in 2008-09 and 2009-10. This should be considered, along with all other requests for additional resources, in the 2007-10 budget process. The Recommendation is therefore contingent upon the approval of funding.
- Detailed estimates are difficult to make, as the costs of the programmed three Examinations are unknown, for there is little experience of this new system across the Country. However, the best estimates presently available suggest that there is a shortfall in funding of £0 in 2007/08. £23,000 in 2008/09 and £199,000 in 2009/10, as follows:

	2007-08	2008-09	2009-10
R&D internal and external	81,000	57,000	47,000
Statutory Advertising & publication	6,000	12,000	30,000
Consultation	8,000	10,000	10,000
Examination costs	0	125,000	175,000
Sub total	95,000	204,000	262,000
Less PDG brought forward	150,000	118,000	0
Less Base Budget	63,000-	63,000-	63,000-
<b>Total additional cost</b>	<b>0</b>	<b>23,000</b>	<b>199,000</b>

- The Second Revised Local Development Scheme is a reduced programme from the First LDS overall, though more costs are loaded into the earlier years.
  - There will be a continuing programme of Local Development Framework production in the period beyond 2010 for the foreseeable future.
  - Some funding has been obtained from the Planning Delivery Grant from previous years, to be used in 2007-08; some may be available in the future through imminent central government announcements and partnership funding has been obtained from LDF stakeholders and Swindon Borough Council in the form of work undertaken by them on the West of Swindon Study.
- Legal**
- The submission of an up-to-date Local Development Scheme is a requirement of the Planning and Compulsory Purchase Act 2004
- Community & Environmental**
- This underpins the development of the Local Development Framework.
  - The LDF has been developed taking the community strategy into account.
  - The LDF has been developed taking the Local Strategic Partnership work into account.
  - Policies arising from the LDS programme will influence initiatives in respect of crime and disorder.
  - Policies arising from the LDS programme will influence initiatives in partnership working
  - Policies arising from the LDS programme will influence initiatives in rural areas.
  - Documents arising from the LDS programme will be subject to the Statement of Community Involvement and thus determine the consultation with the community
- Human Resources**
- There is an estimated shortage of 1.5 FTE posts for delivering the Local Development Framework.
  - In the absence of additional resources for the above, this is being managed through the use of temporary posts/ secondments and through the use of external consultants.
  - New staff workplans will be required to adjust to the new LDS programme.
- Equality & Diversity Implications**
- Age – none, though policy development will impact indirectly.
  - Gender – none, though policy development will impact indirectly.
  - Disability – none, though policy development will impact indirectly.
  - ethnicity/culture, though policy development will impact indirectly.
  - religion/belief - none
  - sexual orientation – none

A detailed Equality Impact Assessment can be found on the Council's website:

[http://www.northwilts.gov.uk/production\\_of\\_local\\_plan\\_and\\_local\\_development\\_framework\\_32kb.pdf](http://www.northwilts.gov.uk/production_of_local_plan_and_local_development_framework_32kb.pdf)

## Risk Analysis

Issue	Risk	Impact Scale 1 - 4	Likelihood Scale 1 - 4	Impact x Likelihood (The current level of risk).	Current Ranking (High, Medium, Low)	Proposed Action to Reduce the Risk
No additional money as identified is budgeted in years 2008 - 2010	Inability to fulfill BVPI200 targets, PSA6 target and possible impact on future funding in replacement to PDG.	4	2	8	Medium	On advice of GoSW the LDS will have to be submitted <u>before the 2007 budget</u> is fixed. This LDS will then become the benchmark for the future. It is recommended that Council take this into account in setting the budget.
Change in political control	Change in priorities	4	2	8	Medium	New LDS submission in 2007 if required
Poor recruitment	Insufficient staff to complete LDF	4	3	12	High	Use of consultants, changed working practices
Divergence from government policy or advice	May have (as is already the case) have implications on the content of LDFs	4	3	12	High	New LDS submission in 2007 if required.
General operational risks	Staffing issues, budget issues, delivery by partnerships	2	2	4	Low	Handled through the Spatial Planning Service Plan for 2007 - 2010

<b>Appendices:</b>	<ul style="list-style-type: none"> <li>Appendix A: A Local Development Scheme for North Wiltshire – Second Revision 2007 - 2010</li> </ul>
<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"> <li>Letter from Turley Associates on behalf of Bowood Estate dated 18<sup>th</sup> December 2006.</li> <li>Previous Council Report for 5<sup>th</sup> December 2006</li> </ul>

**Previous Decisions Connected with this Report**

<b>Report</b>	<b>Committee &amp; Date</b>	<b>Minute Reference</b>
<b>As this report</b>	Council 5 <sup>th</sup> December 2006	