

CHESHIRE EAST COUNCIL

REPORT TO: Strategic Planning Board

Date of Meeting: 30th April, 2014
Report of: Head of Strategic and Economic Planning
Subject/Title: Cheshire East Local Development Scheme 2014 -16
Portfolio Holder: Councillor David Brown

1.0 Report Summary

- 1.1 This report seeks the Board's comments on a *Draft Local Development Scheme 2014-2016* prior to its consideration by the Portfolio Holder for Strategic Communities.

2.0 Recommendation

- That the Board recommend to the Portfolio Holder for Sustainable Communities that the *Draft Local Development Scheme 2014- 2016* (Annex A) be approved ; and
- That, in accordance with Section 111 of the *Localism Act 2011*, the *Local Development Scheme 2014-2016* is brought into effect as of the 1st April, 2014.

3.0 Reasons for Recommendation

- 3.1 To ensure that the Council has an approved three year programme for the preparation of the various Development Plan Documents (DPD's) that will make up the Cheshire East Local Plan and that the submission stage of the *Local Plan Strategy* meets legal requirements.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The Cheshire East Local Plan will set out the vision, objectives, spatial strategy and policies for the development of Cheshire East (excluding the Peak District National Park) to 2030. It will interpret national planning policies within the context of Cheshire East Borough and will aim to ensure that the future development of the Borough is planned in a sustainable manner. It will be developed in co-operation with other adjacent local

authorities to ensure that it contributes to the strategy for the future development of the sub-region.

- 6.2 The Local Plan will take into account other strategies and plans produced by the Council and its Local Strategic Partners in order to present a shared vision and strategy to ensure consistency in programme delivery. It will also deliver the spatial aspects of the Cheshire East Sustainable Community Strategy '*Ambition for All*'.

7.0 Financial Implications

- 7.1 The costs of preparing the various documents will be met from current and future Spatial Planning budgets. The revised *Local Development Scheme* takes into account several factors, notably the resource implications of producing a *Local Plan Strategy Development Plan Document* (DPD) to submission stage and the management of an ambitious plan-making programme within budgetary constraints.

8.0 Legal Implications

- 8.1 Local planning authorities are required by Section 19 of the *Planning and Compulsory Purchase Act 2004* to prepare documents in accordance with their Local Development Scheme.
- 8.2 Section 15 of the *Planning and Compulsory Purchase Act 2004* sets out the roles of the local planning authority and the Secretary of State in relation to an authority's Local Development Scheme. Every local planning authority must prepare and maintain a scheme specifying the documents that will be Development Plan Documents, their subject matter and area and the timetable for their preparation and revision.
- 8.3 Section 15 further requires local planning authorities to revise their Local Development Schemes '*at such time as they consider appropriate*'. The Council's current LDS was produced in April, 2012 and therefore several changes to its content and timetable need to be made in order that a revised scheme can be approved and published prior to examination of the *Local Plan Strategy* DPD. This forms part of the legal requirements associated with preparation of Development Plan Documents, as they must be prepared in accordance with an up-to-date Local Development Scheme approved by the local planning authority.
- 8.4 Section 111 of the *Localism Act 2011* amends Section 15 of the *Planning and Compulsory Purchase Act 2004* so that local planning authorities will have to publish up to date information direct to the public on the scheme, rather than the Secretary of State, including their compliance with their timetable for the preparation or revision of Development Plan Documents. However, whilst the Secretary of State still retains powers to direct changes, these are only to be used in exceptional circumstances for the purpose of ensuring effective plan coverage.

9.0 Risk Management Implications

9.1 The *Local Development Scheme 2014-2016* sets out the risks associated with the preparation of the Local Plan and new risks have arisen since the last scheme was approved in March, 2012, namely:

- Revisions to the plan-making process contained in the *Localism Act 2011*;
- A significant increase in speculative planning applications for major housing schemes resulting in planning appeals against refusals of planning consent;
- An overwhelming public response to the *Pre-Submission Core Strategy* published for consultation in November, 2013;
- The preparation of a comprehensive evidence base to underpin the *Local Plan Strategy*; and
- The need to address staff resources using temporary interim appointments.

10.0 Background

10.1 The *Local Development Scheme 2014-2016* sets out a programme and timetable for the preparation of documents for the Cheshire East Local Plan, the current scheme having been approved in March, 2012. Moreover, it provides a key reference point for people wishing to find out about the Council's timetable for preparing the various documents of the Local Plan, the status of each document, their geographical extent and the policies contained within them. It therefore describes:

- The content and geographic area to which each of the Development Plan Documents (DPD's) relates;
- The timetable and key milestones in the preparation of the DPD's;
- The inter-relationships between each DPD; and
- Arrangements during the transitional period for 'saved' policies.

10.2 At its meeting on 5th March 2012, Cabinet considered a report on options for a revised programme for preparing the Local Plan. The context of the report was that the *Place Shaping* consultation had revealed the complexity of preparing a completely new Local Plan for a Borough with a population of some 370,000 people in a geographical area of about 1,158 square kilometres. Initial work in some of the main settlements also revealed that

infrastructure provision would be a significant influence on the plan-making process and more detailed work would be required to fully understand the infrastructure implications and constraints of new development. In addition, the *Place Shaping* and *Neighbourhood Planning* exercises in the form of *Town Strategies*, though hugely beneficial in engaging local communities, proved to be very resource intensive.

10.3 As a consequence, the Council was not in a position to commence consultations on the Preferred Options stage of both the *Core Strategy* and *Site Allocations and Development Policies* Development Plan Documents in May 2012, as originally scheduled in the draft *Local Development Scheme 2011-2013*.

10.4 Having considered the options, Cabinet agreed that a revised programme for the *Core Strategy* and *Site Allocations and Development Policies* DPD's would be appropriate with the effect that both documents would go directly to the Final Submission Plan stage rather than having two formal stages of consultation. At that time, it was forecast that this would allow adoption of the *Core Strategy* by the end of 2013 and the adoption of the *Site Allocations and Development Policies* document by the end of 2014 in accordance with the plan-making timetable set out in the current LDS. However, whilst the streamlined programme is reflected in the revised *Local Development Scheme 2014 -16* attached to this report, it should be noted that due to the overwhelming response to the *Shaping our Future: Development Strategy* and *Pre-Submission Core Strategy* consultations, estimated to be about 24,000 representations, significant slippage has occurred in those original targets.

10.5 In respect of the *Site Allocations and Development Policies* Development Plan Document, the Cabinet originally agreed to consider measures and resources that would enable a 'two stage' timetable to be achieved, but as in the case of the *Local Plan Strategy* (previously *Core Strategy*) DPD, such an approach was not considered feasible within existing staff resources. Therefore, the revised LDS seeks to continue the valuable work that has already been undertaken on the *Site Allocations and Development Policies* DPD as soon as practically possible after the submission of the *Local Plan Strategy* DPD to Examination in mid-2014.

10.6 The revised LDS introduces the *Waste* DPD into the programme for the first time, though work on this document is not programmed to be published until the middle of next year, by which time it is envisaged that the *Local Plan Strategy* will have been adopted following examination.

11.0 Key Assumptions

11.1 There are a number of key assumptions that will determine the extent to which the timetabling contained in the *Draft Local Development Scheme 2014-2016* attached at Annex A can be achieved.

11.2 These assumptions include the following:-

- The Examination into the *Submission Local Plan Strategy* DPD closes by Autumn, 2014;
- The *Waste* DPD programmed to run concurrently with the *Site Allocations and Policies* DPD;
- Staffing levels remain as per 2013/14;
- No further changes to national guidance/regulations (ie National Planning Practice Guidance/National Planning Policy Framework);
- No significant modifications following receipt of Inspector's Report on *Local Plan Strategy*;
- No legal challenge to *Local Plan Strategy*; and
- *Local Development Scheme* revision within 12 months of approval.

12.0 Monitoring and Review

12.1 Progress with the preparation of the Local Plan documents will continue to be reviewed annually as part of the *Monitoring Report*, the main purpose of which will be to assess:

- The implementation of the Local Development Scheme; and
- The extent to which policies in Development Plan Documents (and 'saved' plans) are being achieved and meeting monitoring indicators and targets.

12.2 The *Monitoring Report* will report actual progress on each DPD compared with the targets and milestones for preparation set out in the *Draft Local Development Scheme 2014-2016*. It will show whether the Council has met its targets and milestones, is on target to meet them, is falling behind schedule, or is unlikely to meet them. If any DPD is behind schedule or has failed to meet a target or milestone, the *Monitoring Report* should explain the reasons for this and may conclude that there is a need for a new timetable for the remaining stages leading to adoption.

12.3 The effect of reporting on progress is to highlight whether there is a need to revise the LDS. However, irrespective of the outcome of the *Monitoring Report*, it will be the intention of the Council to revise its LDS each year as it is in essence a three-year project plan. At the end of each year, the three-year period will be rolled forward for another year, so that the future timetable for each DPD can be shown.

13.0 Access to Information

13.1 The background papers relating to this report can be inspected by contacting the report writer:

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Annex A Draft Local Development Scheme 2014-2016