

Wiltshire Council

Cabinet

21 January 2014

Subject: Wiltshire Local Development Scheme

Cabinet Member: Councillor Toby Sturgis – Strategic Planning, Development Management, Strategic Housing, Property and Waste

Key Decision: Yes

Executive Summary

Wiltshire Council's Local Development Scheme (LDS) was first published in January 2009. Subsequent reviews were approved by Cabinet in November 2011 and June 2012. Having an up-to-date LDS is a statutory responsibility of the Council and is used to set out a clear timetable for the preparation of planning policy in Wiltshire that will provide certainty to local communities, investors, infrastructure providers and stakeholders.

In light of receiving a letter from the Inspector presiding over the Examination of the Wiltshire Core Strategy, it is necessary to further revise the current LDS (published August 2012) to include two additional policy documents, extend the scope of the Gypsy and Traveller DPD to include a review of pitch requirements and update the information for the other documents it contains. The first new document is a Housing Site Allocations Development Plan Document (DPD) incorporating a review of the settlement boundaries, which will be used to allocate additional development sites to address the Inspector's view that planned provision of housing needs to be increased. This will ensure that there is ongoing surety of supply of deliverable sites for homes through the whole plan period and ensure that development remains community and plan-led. The second is a Site Allocations DPD just for Chippenham, to take a fresh look at site options for strategic growth at the town.

Following approval, the LDS will be submitted to the Core Strategy Inspector. If the LDS needs to be amended in response to any comments made by the Inspector, delegated authority is sought for the Associate Director for Economic Development and Planning to do this in consultation with the Cabinet Member.

Proposals

That Cabinet:

- (i) Approves the Local Development Scheme as set out at **Appendix 1**.
- (ii) Authorises the Associate Director for Economic Development and Planning, 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 Core Strategy Inspector.
- (iii) Authorises the Associate Director for Economic Development and Planning, in consultation with the Cabinet Member, to amend the Local Development Scheme in response to any comments raised by the Inspector on the revised LDS, as appropriate.

Reason for Proposals

Wiltshire Council is required to prepare and keep up to date a Local Development Scheme in line with the Planning and Compulsory Purchase Act 2004 (as amended). Revisions to the Local Development Scheme (August 2012) are required in response to the Inspector's preliminary findings into the examination of the Wiltshire Core Strategy to support a sound Core Strategy, and in order to ensure it is up to date.

Alistair Cunningham
Associate Director, Economic Development and Planning

Wiltshire Council

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Key Decision: Yes

Purpose of Report

1. To seek approval for a revised Local Development Scheme (LDS) for Wiltshire in response to the preliminary findings of the Core Strategy Inspector including the introduction of two new Development Plan Documents (DPDs) and to ensure the LDS is up to date.

Relevance to the Council's Business Plan

2. The adoption of a Core Strategy, as well as other planning policy documents, is fundamental to realising the overarching aims of the Business Plan of delivering stronger and more resilient communities. In particular, it will help deliver the following key outcomes:
 - People work together, solve problems locally and participate in decisions that affect them by developing a neighbourhood plan with a shared vision for delivering the sustainable development they need.
 - Everyone lives in a high quality environment through a new suite of polices to guide the quality of new buildings and conserve the most sensitive areas.
 - There is a thriving and growing local economy through introducing an economy led policy document which facilitates inward investment and provides a sustainable framework for economic growth.
 - Communities are inclusive where everyone can achieve their potential.
 - People have healthy, active and high quality lives, through setting a policy framework for the promotion of recreation, healthcare, enhancement of open space, introduction of a Green Infrastructure Strategy and protection of such facilities from loss.
 - People feel safe and are protected from avoidable harm as a result of good design.

3. The Core Strategy is also central to delivering land use elements of the Business Plan, including those relating to the Local Enterprise Partnership. It is also the basis for service and infrastructure investment by a wide range of business interests, government departments and public agencies beyond the Council itself.

Background

4. The LDS is a three year rolling project plan for producing the local development framework (LDF) or 'Local Plan' for Wiltshire. It sets out the local development documents, including DPDs, prioritised for production by Wiltshire Council and a timetable for their delivery over a three year period. The LDS thereby commits Council resources to a programme of work and is a main means for the development industry, business, government and other public bodies to understand when they can engage in the preparation of development plans.
5. On 19 June 2012 Cabinet approved a revised LDS alongside approval (subject to Council resolution) for submission of the Wiltshire Core Strategy to the Secretary of State to initiate its Examination. The Wiltshire Core Strategy was submitted and has now undergone an Examination in Public by a Government appointed Planning Inspector.
6. The Wiltshire Core Strategy was examined in public between 6 May and 18 July 2013. As part of the ongoing Examination the Inspector sent a procedural letter to the Council on 2 December 2013 (**Appendix 2**). In this letter, the Inspector summarised a number of issues that he had identified with the Core Strategy and asked the Council to suggest a way forward. The Council responded on 19 December 2013 (**Appendix 3**), to which the Inspector provided his response on 23 December 2013 (**Appendix 4**). This included the need to bring forward an amendment to the LDS.
7. An LDS needs to be kept up-to-date and rolled forward, but in this instance, specific findings of the Inspector examining the draft Core Strategy have instigated some of the programme changes.

Main Considerations for the Council

8. Wiltshire Council's LDS requires updating in light of the above, and not to do so as suggested by the Inspector, would risk not having a sound Core Strategy in place for Wiltshire. The revised LDS is included at **Appendix 1**.
9. Listed below is a summary of the changes that need to be made to the LDS in response to the Inspector's findings and in order to keep the LDS up to date:

New documents added:

- Wiltshire Housing Sites Allocation DPD (incorporating settlement boundary review)
- Chippenham Sites Allocation DPD

Revised timetables for the production of:

- Gypsy and Traveller DPD - to incorporate the findings of a new Gypsy and Traveller Accommodation Assessment including the needs of travelling showpeople

- CIL Charging Schedule for Wiltshire - to reflect the timetable recently considered by Cabinet on 17 December 2013
- Wiltshire Core Strategy
- Wiltshire Core Strategy (partial review) - to reflect the revised Core Strategy timetable.

Updated:

- South Wiltshire Core Strategy now Adopted (2012)
 - Minerals and Waste Site Allocation DPDs now Adopted (2012)
 - Neighbourhood planning programme of support and guidance now in place to reflect the current position.
10. The LDS timetables adoption of the Core Strategy during Spring/Summer 2014, though this will be dependent upon timely receipt of the Inspector's report and his full set of findings. An undertaking to complement the strategy with additional DPDs is an important consideration for the Inspector in examining the Core Strategy and thus in enabling the plan to proceed. The Inspector also indicates in his most recent letter that he will be interested in the expediency by which the matters he raises can be addressed through the preparation of other DPDs.
 11. The National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development, which means that without an up-to-date plan in place in the county, the Council may well see speculative development taking place and planning by appeal. The work to provide additional DPDs on top of current commitments is challenging, but reflects the importance of progressing the Core Strategy as quickly as possible, in order to have an up-to-date development plan in place for Wiltshire, to ensure plan-led development is achieved.
 12. The key changes to the LDS in response to the Inspector's concerns are summarised as follows. The full LDS including timelines and scope of documents is set out in **Appendix 1**:

Wiltshire Housing Site Allocations DPD (incorporating settlement boundary review)
 13. The Inspector is minded that the Core Strategy housing requirement should be expressed as a minimum towards the upper end of the range that has been assessed within the Council's Sustainability Appraisal (35,800–42,100) i.e. 42,000 new homes over the plan period 2006 to 2026. This is an increase of around 5,000 dwellings over the plan period for the whole of Wiltshire; as the Inspector has pointed out, the bulk of which is likely to be needed toward the end of the plan period ending in 2026.
 14. It is therefore necessary for a Housing Site Allocation DPD to be prepared in order to identify new sites. The review of settlement boundaries will be undertaken as part of the document.
 15. In the above context, the role of the Housing Site Allocation DPD will be to identify specific sites to accommodate additional housing requirements in areas where there may be a shortfall in land supply over the plan period.

Chippenham Site Allocations DPD

16. In light of Inspector's comments on Chippenham it is considered that the most expedient way forward would be to prepare a DPD specific to Chippenham and for Core Policy 10 to be modified around the removal of the strategic allocations.
17. The Chippenham site allocations DPD will consider future growth options for the town and allocate strategic sites for the town to best accommodate the level of growth set out in the Core Strategy

Gypsy and Traveller DPD

18. The completion of a Gypsy and Traveller DPD to allocate sites for travellers has always been part of the LDS programme. In light of the Inspector's comments in relation to Gypsy and Traveller provision it is considered that there is a need to extend the scope of this DPD to provide a more robust indication of pitch requirements for the county. Therefore, in addition to the allocation of sites, the DPD will now also include a review of the pitch requirements in core policy 47 based on the outcome of a comprehensive review of local need in the form of a full Gypsy and Traveller Accommodation Assessment (GTAA). Such a study will include a review of permanent and transit pitch requirements and plot requirements for Travelling Showpeople. This work is to be undertaken expediently. The timetable for preparing the Gypsy and Traveller DPD has therefore been amended to provide time for the proposed GTAA to be completed and sufficient sites to be identified to ensure the plan is in accordance with national policy.

Wiltshire Core Strategy (partial review)

19. A key area of the partial review, given the Inspectors findings, will be to prepare new policy relating to town centres in Wiltshire, in particular the definition of retail frontages. The purpose of the partial review of the Wiltshire Core Strategy will be to introduce further detailed development management policies to the adopted Wiltshire Core Strategy, particularly through the review and update of the saved 2011 local plan development management policies not currently proposed to be replaced by the Wiltshire Core Strategy.
20. All policies will be drafted to become part of the Wiltshire Core Strategy. It is not the purpose of the review to re-open discussion about other parts of the plan and will effectively be an addendum to the adopted core strategy.

Safeguarding Implications

21. There are no safeguarding implications as a direct result of this proposal.

Public Health Implications

22. Planning for sustainable development to meet the employment, housing and infrastructure needs of communities helps foster their well being. Well planned development, including appropriate infrastructure, supports health and well being of local communities, for example through the provision of green infrastructure, sports facilities and infrastructure to encourage walking and cycling as means of travel.

Environmental and Climate Change Considerations

23. 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

24. 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

25. 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. The Inspector may have a view on the LDS, which may necessitate further amendments. As such, in order not to delay progression with the Core Strategy delegated authority is sought to approve any further amendments that are needed.

Risks that may arise if the proposed decision and related work is not taken

26. The 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.

Financial Implications

27. At this stage, it is anticipated that existing (2013/14) and planned (2014/15) budget provision will meet the costs associated with addressing the outstanding work associated with the delivery of the Wiltshire Core Strategy.
28. The additional work set out within the revised LDS is required in order to address concerns raised by the Core Strategy Inspector. Failure to address these concerns will result in the Core Strategy being found unsound. To ensure that the additional plans are delivered in a timely and effective manner, additional costs associated with the preparation, consultation, examination and adoption of these documents will need to be addressed as the scheme progresses. Costs that cannot be absorbed by the Service will need to be reviewed if that materialises, although there is no expectation at this stage. Going forward we will look at costs being assessed against any projected surplus Council Tax generated as a result of an increase in property or development charges above the forecast level arising from the Core Strategy.

29. Early adoption of the Core Strategy is a key objective of the Council as it will provide the planning policy framework to facilitate the delivery of long-term growth across Wiltshire, thereby unlocking additional future funding such as the New Homes Bonus. In addition, the ability of the Council to become a Charging Authority for CIL, and secure this form of funding into the area, is dependent upon a sound Core Strategy being in place.

Legal Implications

30. In accordance with the Planning and Compulsory Purchase Act 2004 (as amended), the Council has a statutory duty to prepare planning policy, which has been reinforced through the National Planning Policy Framework and the Localism Act.
31. In accordance with legislation, LDSs must be prepared and Inspector's examining plans will consider whether a plan has been prepared in line with these.
32. Section 33A Planning and Compulsory Purchase Act 2004 (as amended) requires the Council to comply on an ongoing basis with the 'duty to co-operate'. In updating the LDS consideration has been given to this duty. This is further set out in the revised LDS at **Appendix 1**.

Options Considered

33. In light of the Inspector's concerns it is considered important that the DPDs be progressed as quickly as possible, with priority afforded to the Wiltshire Core Strategy.
34. Wiltshire Council is required to maintain an up-to-date LDS.

Conclusions

35. In response to the Inspector's preliminary findings on his examination into the Wiltshire Core Strategy it is necessary to update the Council's LDS. In particular, the introduction of two new DPD's and amending the scope of another is required to help ensure that the Wiltshire Core Strategy proceeds to adoption. The Inspector is interested in the expediency by which a number of documents can be brought forward. The LDS sets out a programme to put in place an up-to-date and effective development plan. Not to do so would significantly compromise the Council's ability to meet local needs and aspirations in the form of sustainable development through plan led development.

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

None

Appendices:

- Appendix 1 - Wiltshire Local Development Scheme 2014-2017 (January 2014)
- Appendix 2 – Inspector Letter dated 2 December 2013
- Appendix 3 – Wiltshire Council Letter dated 19 December 2013
- Appendix 4 – Inspector’s Letter dated 23 December 2013