

# APPENDIX P

## WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 31 MARCH 2009

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**Title:**

**REVISED LOCAL DEVELOPMENT SCHEME (LDS)**

**[Portfolio Holder: Cllr Mrs Carole Cockburn]**

**[Wards Affected: All]**

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**Summary and purpose**

The Local Development Scheme (LDS) sets out the 3-year programme of the documents that the Council will be producing as part of its Local Development Framework (LDF). The Council's current LDS was approved by the Government Office (GOSE) in January last year. The purpose of this report is to seek approval to a revised LDS, which will set out the LDF programme for the next 3 years.

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**How this report relates to the Council's corporate priorities:**

The LDS is, in effect, the project plan for documents that will form part of the LDF. As such, the LDS itself does not deliver corporate objectives. However, delivery of a sound LDF Core Strategy is a key priority and the LDF, alongside other planning policies, will play a key role in delivering corporate priorities. The LDS sets out the timescale for delivering the key LDF documents.

**Equality and diversity implications:**

There are no equality and diversity implications.

**Resource/value for money implications:**

There are resource implications in so far as the LDS sets out the programme of LDF-related work. It is important to ensure that this programme can be achieved within the available resources.

**Legal Implications:**

There are no specific legal implications arising from this report.

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**Background**

1. The Planning and Compulsory Purchase Act 2004 introduced a new system for the development of planning policy at the regional and local level. At the regional level, the regional planning body (in our case SEERA) is responsible for

producing the Regional Spatial Strategy (RSS). The RSS for this area will be the South East Plan. Local authorities such as Waverley will be responsible for producing the Local Development Framework (LDF). The LDF will contain a suite of planning policy documents which, over time, will replace the planning policies in the current Waverley Borough Local Plan. The documents that form part of the LDF are known as Local Development Documents (LDDs). They will fall into two categories:

- Development Plan Documents (DPDs); and
  - Supplementary Planning Documents (SPDs)
2. DPDs are the documents dealing with major and important issues. Some LDF documents have to be DPDs. The main difference between a DPD and an SPD is that a DPD must be subject to independent examination by an Inspector, whose report is binding. The main purpose of an SPD is to amplify or expand on policy and guidance in a DPD in relation to a particular issue.
  3. The new system differs from the old system of local plans in a number of ways. There is a focus on delivery and an emphasis on frontloading and community engagement. There is an expectation that the LDF will be more closely linked to the policies and strategies of other key service providers, for example the Local Transport Plan. There is also an expectation that the LDF Core Strategy will be closely linked to the Sustainable Community Strategy. Furthermore, whilst the LDF must be developed in the context of the relevant national and regional policy, it should focus on the key local issues and should not simply repeat national/regional policy.
  4. One of the requirements of the new system is for the Council to prepare and keep up to date a **Local Development Scheme (LDS)**. This is, in effect, a project programme for the production of LDF documents, covering a three-year period. It sets out the scope of the LDF documents being produced, together with their respective timetables and key milestones.
  5. Members may recall that in July 2006, Waverley became one of the first Council's to submit a Core Strategy under the new system. Unfortunately, following the submission, Inspectors reported on the Core Strategies that had already been submitted by Litchfield and Stafford Councils. In both cases the appointed Inspectors found these Core Strategies to be unsound for various reasons.
  6. Because Waverley's Core Strategy had already been submitted for examination at that stage, it was not possible to revise the document to address issues raised in these other cases. However, having regard to those decisions, GOSE identified some issues with the Waverley Core Strategy, which could have led to the document being regarded as unsound. There were concerns, for example, about the perceived lack of local distinctiveness of the Core Strategy, the lack of a settlement hierarchy and the extent to which "windfall" sites were being relied upon to deliver new housing.

7. In addition, Government Policy had moved on, particularly with the publication of PPS3 – ‘Housing’ and progress on the South East Plan, both of which threatened the robustness of the Core Strategy in terms of housing delivery. In view of these and other concerns, the Council decided to seek a formal notice to withdraw the Core Strategy.

### **The Current Local Development Scheme (LDS)**

8. The current LDS was agreed by the Executive in November 2007 and by GOSE in January 2008. It focuses on three key documents:
- The Core Strategy;
  - The Site Allocations DPD; and
  - The Planning Infrastructure Contributions SPD.
9. The Planning Infrastructure SPD was adopted by the Council in April 2008, in accordance with the timetable in the LDS. The respective timetables in the current LDS for the Core Strategy and Site Allocations are as follows:

<b>Document</b>	<b>Early stakeholder and Issues and Options consultation</b>	<b>Preferred Options consultation</b>	<b>Submission</b>	<b>Adoption</b>
Core Strategy	October 2007 – October 2008	May/June 2009	December 2009	December 2010
Site Allocations DPD	January 2008 – June 2009	April 2011	October 2011	October 2012

### **Progress to date**

10. Given the perceived weaknesses of the first Core Strategy, and the significant changes in national planning policy for housing introduced by PPS3, it was decided that the Council should go back to basics and effectively start the new Core Strategy from scratch. In particular, it was felt that a more robust evidence base would be needed in order to deliver a sound Core Strategy. To this end, work over the past 12-18 months has focussed on both gathering the key evidence to underpin the Core Strategy and embarking on a programme of targeted consultations with key stakeholders and the local community.
11. In terms of evidence gathering, this has included the following key studies:
- Gypsy and Traveller Accommodation Assessment (GTAA);
  - Strategic Housing Market Assessment (SHMA);
  - Strategic Housing Land Availability Assessment (SHLAA);
  - Employment Land Review (ELR)
  - Town Centre retail Study
  - Affordable Housing Viability Study

12. These studies are now complete or nearing completion. In addition work is underway on a Settlement Hierarchy document; the Strategic Flood Risk Assessment (SFRA) and the Transport Assessment (TA).
13. In terms of consultation, a range of events have taken place, including 1 to 1 discussions with key service providers; meetings with town and parish councils; the “big debate” survey and the joint LSP/Planning Policy SIG “visioning” event.
14. In October, the Executive formally endorsed the direction of travel of the Core Strategy, including the draft Spatial Portrait, Core Strategy issues, the draft Vision and the Draft Objectives. Notwithstanding earlier targeted consultations, officers felt that a public consultation on the issues and options for the Core Strategy should take place, to seek a wider endorsement of the direction of travel of the Core Strategy. To this end, a series of Topic Papers were agreed by Executive in January as the basis for consultation. That consultation commenced on 16<sup>th</sup> February and will run until 30<sup>th</sup> March. The consultation also provides the opportunity for the local community to comment on the draft Settlement Hierarchy.
15. The current timetable for the Core Strategy in the LDS indicates that there would be consultation on the Preferred Options (effectively the draft Core Strategy) in May/June this year. Officers do not consider that this is achievable for various reasons and that this consultation should be delayed. This in turn will have a knock-on effect on the remaining Core Strategy milestones (submission and adoption).
16. There are various reasons why there has been some slippage in the Core Strategy timetable. These include:
  - Some delays in completing the evidence base, particularly the HMA, the SHLAA and the ELR. Although these are nearing completion, it has not been possible to date to draw definitive conclusions about the implications, for example in terms of the strategy for housing delivery. The sharp economic downturn has also impacted on this. For example, the consultants carrying out the affordable housing viability study have had to re-visit some of their data and assumptions given the significant change in the state of the housing market.
  - These delays have had a knock-on effect on the progress with the SFRA and TA. The intention was to progress these once we had a clear picture about the likely options for the amount and location of new housing development.
  - Uncertainty regarding the Miniplan and its implications for the choices about where development can go.
  - Delays at national/regional level in approving the South East Plan
17. Probably the key issue for the Core Strategy to address will be the broad distribution of housing across the Borough. Although the South East Plan has still not been finalised, it is anticipated that the minimum housing requirement for

Waverley will be 250 dwellings a year. Whereas in the past the Council has relied heavily on windfall sites to deliver housing, the expectation is that local authorities are more pro-active in identifying “deliverable” land for housing. Although PPS3 does not rule out an allowance being made for windfalls, in order to do so, it is necessary to provide robust evidence of the local circumstances that prevent specific sites from being identified. Officers are still working on the housing strategy options and a key part of the evidence will be the outcome of the SHLAA. However, officers anticipate that this may lead to some difficult choices for the Council, including the possible need to identify greenfield sites as part of the overall strategy.

### **The Proposed Local Development Scheme**

18. In June 2008, new regulations came into effect that simplified the consultation requirements for the production of Core Strategies and other LDF documents. They impose a general duty to consult during the preparation of a document, without being prescriptive about how and when. The Council could choose to consult just once on an LDF document before finalising it ready for submission. However, Officers are of the view that for a document like a Core Strategy it is preferable to involve the community in identifying and commenting on the options or choices and again at the point when the preferred approach has been identified by the Council. This is why the proposed LDS retains more than one stage of consultation on the Core Strategy.
19. There has also been a change to the submission/examination/adoption stages. It used to be the case that a year was required from point of submission to adoption. This was partly because a formal consultation on the “soundness” of the document took place immediately after submission. The changes to the regulations mean that this formal consultation now takes place prior to submission at what is now called the Publication stage. This is followed by Submission and then a shorter (29 week) Examination period.
20. Having regard to progress to date, the proposal to consult on a draft Core Strategy, and the changes to the submission/examination arrangements, officers have put together a revised timetable for the Core Strategy and Site Allocations DPD. These will form the basis of the updated LDS. It is felt that given the importance of completing the Core Strategy, there should be no other documents introduced into the LDS at this time. However, there will be the opportunity to do this at a later stage. Officers would add that this should not halt progress on any SPDs, as recent changes in legislation mean that these do not have to be included in the LDS as part of the formal LDF work programme.
21. Attached as Annexe 1 is a table setting out the suggested timetables for the Core Strategy and the Site Allocations DPD. The headlines are that the final adoption date for the Core Strategy is now envisaged to be July 2011. Officers believe that a revised programme is needed in the interests of delivering a sound Core Strategy. With regard to the Site Allocations DPD, officers have, in fact, sought to bring this forward. Therefore, whereas the current LDS has an adoption date

of October 2012, officers believe that this could be brought forward to August 2012, subject to the outcome of the Core Strategy. In the shorter term, the programme includes a suggested consultation in the autumn specifically on housing options for the Core Strategy. This would be intended to present some more worked up and quantified choices about the broad location of new housing. This would be followed by a consultation on the draft Core Strategy itself early next year.

22. The revised timetable will also provide the opportunity for members to be engaged in the process of considering the key issues for the Core Strategy through workshops/events specifically for Members.
23. It is anticipated that the main structure and content of the LDS will remain broadly the same, with the principal change being the revised timetables outlined above, and the removal from the LDS of the Planning Infrastructure SPD, which has been adopted. A copy of this draft timetable has been sent to the Government Office for comment. An oral report will be made once the informal views from GOSE officers are known.

### **Recommendation**

**It is recommended that**

- 1. the revised Local Development Scheme, as set out at Annexe 1, be approved; and**
- 2. the Head of Planning be authorised, in consultation with the Portfolio Holder, to make the necessary revisions and updating to the text of the Local Development Scheme document prior to formal submission to the Government Office.**

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### **Background Papers (CSP)**

There are no background papers (as defined by Section 100d(5) of the Local Government Act 1972) relating to this report.

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