

Background Papers, if any, are specified at the end of the Report

Pre-Submission Delivery Development Plan Document, Draft Infrastructure Delivery Schedule and Community Infrastructure Levy Review

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RECOMMENDATIONS

- 1. Approve the Pre-Submission documents set out in Appendices 1 to 4 and 11 and public consultation process set out in paragraph 13 of the Report.**
- 2. Agree to the approach set out in Appendix 5 for the preparation of a report on the Duty to Co-operate and for this to form part of the Council's evidence base for the Delivery DPD and Submission.**
- 3. Approve the documents in Appendices 6 to 8 and for these to be added to the Delivery Development Plan Document Evidence Base on the Council website.**
- 4. Agree the Public Participation responses set out in Appendices 9 and 10 and to include these as part of the Evidence Base on the website.**
- 5. Delegated authority is given to the Head of Sustainable Development to carry out any necessary alterations /corrections to the Pre-Submission documents prior to public consultation; provided that where these constitute changes of substance the alterations/corrections are subject to the approval of the Leader of the Council.**
- 6. Delegated authority is given to the Head of Sustainable Development to consider duly made objections as part of the public consultation approved under Recommendation 1 above so that:**
 - a) if the Head of Sustainable Development considers an objection raises a matter or matters which would lead to a recommended change of substance to the Pre-Submission documents, that officers prepare a report on such matters for Cabinet to consider before Submission.**
 - b) if the Head of Sustainable Development considers an objection raises a matter which should result in a minor alteration / correction to the Pre-Submission documents, that delegated authority is given to the Head of Sustainable Development to submit these as part of the Submission as proposed minor changes.**

- 7. Delegated authority is given to the Head of Sustainable Development to submit the Delivery Development Plan Document and associated documents to the Secretary of State and to make all necessary arrangements for an Examination.**
- 8. Delegated authority is given to the Head of Sustainable Development and officers acting on behalf of the Head of Sustainable Development during the preparation for, and course of the Examination into the Delivery Development Plan Document up to submission of the Inspectors Report to the Council, to:**
 - a) prepare documents for the Examination on behalf of the Council including responses to duly made objections and recommended minor changes to the Delivery DPD**
 - b) appear at the Examination on behalf of the Council**
 - c) agree draft modifications to the Delivery Development Document in consultation with the Cabinet Member for Sustainable Development.**
- 9. Agree the review of a Community Infrastructure Levy set out in paragraphs 7 to 11 of this report, confirming the Core Strategy for Chiltern District position that there is no overwhelming argument in favour of using a Community Infrastructure Levy in Chiltern District to 2026 but to review again if circumstances change.**
- 10. Recommend Council to modify the Local Development Scheme timetable for the Delivery Development Plan Document so that formal publication of the DPD is amended from January/February 2014 to February/March 2014 and additional work areas identified in Appendix 1 of this report (namely preparation on a Parking Standards Supplementary Planning Document, development briefs and design guides) are added to the Local Development Scheme work programme.**

Relationship to Council Objectives

The Delivery DPD once adopted will be a statutory document against which planning applications will be determined. The Delivery DPD closely relates to Council objectives:

Objective 2 - Safe, healthy and cohesive communities

Objective 3 - Conserve the environment and promote sustainability

and is the subject of a Sustainability Appraisal (see Appendix 4) to ensure that the above objectives will be promoted through planning decisions.

Implications

- (i) *This is a Key decision within the Forward Plan.*
- (ii) *This matter is within the Policy and Budgetary Framework.*

Financial Implications

Costs for consultation, examination and adoption of the emerging Delivery DPD and the evidence base work which supports it is funded from a combination of the Local Development Framework revenue budget and Local Development Framework Reserve. There is considered sufficient funding to complete the Delivery DPD process given the current balance of the Reserve, agreed budget for 2013/14 and anticipated budget for 2014/15.

Risk Management Implications

The major risks for the Council associated with the Delivery DPD are:

- *The Delivery DPD is found unsound for whatever reason at the Examination in Public – although it is considered that the Council has prepared a sound Plan and appropriately carried out its duty to co-operate these will be tested at the Examination in Public. Importantly the Council's evidence base will need to be kept under review and where appropriate additional evidence taken into account. Additional evidence could include representations submitted to the Council as part of the pre-Submission consultation.*
- *Legal Challenge – this will always be a risk as part of a DPD process however this risk has been mitigated by Council investment in a sound evidence base to support decisions and in undertaking public participation by providing local residents and other stakeholders the opportunity to engage earlier this year.*
- *Financial – although the Council has sufficient funding for the Delivery DPD, this is subject to costs associated with any legal challenge that might pursue (see above) and to approval of the recommended 2014/15 budget.*
- *Resources – availability of officer resources both within the Planning Policy Team and other parts of the Council and in other organisations such as the County Council required to support the process (e.g. Development Control, Legal, and County Highways).*
- *Delivery DPD delay – from whatever the cause in terms of potential for planning decisions being determined against national policy advice rather than local circumstances and harm to the Council's reputation.*
- *Repetition of work or conflict with potential Neighbourhood Plans – Chalfont St Peter and Chalfont St Giles parish councils are preparing neighbourhood plans. The risk of repetition / conflict is being mitigated against by offering to work with the parish councils and to support their plan preparation.*

Equalities Implications

As the Delivery DPD is the 'delivery' plan for the adopted Core Strategy equality implications are already inherently embedded within a strategic context. The Pre-Submission Delivery DPD (Appendix 1) has been the subject of an equalities impact assessment which is attached as Appendix 7 to this report.

Sustainability Implications

Similarly to equalities, the Core Strategy from which the Delivery DPD is drawn was the subject of a Sustainability Appraisal and Habitat Regulation Assessment. The Pre-Submission Delivery DPD has been prepared alongside a Sustainability Assessment (Appendix 4 to this report) with the outcome influencing the shape of the Delivery DPD. The Delivery DPD itself is not subject to a Habitat Regulation Assessment as this has been carried out as part of the 'higher order' Core Strategy and as this assessment did not identify any issues of concern.

Report

- 1 This report has a number of purposes and is set out below under sub-headings relating to each purpose.

Pre-Submission Delivery Development Plan Document

- 2 The primary purpose of this report is to seek approval to the Council's Pre-Submission version of the Delivery Development Plan Document (Delivery DPD) as set out in Appendix 1 for public consultation and submission to the Secretary of State.
- 3 The Pre-Submission Delivery DPD has been prepared taking account of a number of factors:

- a) Government Planning Policy

The Delivery DPD has importantly taken into account the National Planning Policy Framework (NPPF), Planning Policy For Traveller Sites and all other relevant Government policy, legal requirements/regulations and advice.

- b) Evidence Base

Cabinet will recall agreeing to the publication of significant parts of the Council's evidence base in March and August 2013. This report adds to the evidence base, the full list being set out in Appendix 13 of this report.

- c) Duty to Co-operate

The Council has a duty to co-operate on strategic planning matters with adjacent local authorities and other specified bodies with a

strategic planning role. A summary report on the Duty to Co-operate is set out in Appendix 5 to this report.

d) Public Participation

Cabinet will recall that in March 2013 it approved the *Delivery Development Plan Document Public Participation* and in August approved the *Delivery Development Plan Document Gypsy, Travellers and Travelling Showpeoples Site Options Public Participation*. Both of these public consultations have been completed and responses summarised in appendices 9 and 10 of this report. Both consultations were carried out in accordance with the Council's adopted Statement of Community Involvement.

e) Stakeholder Engagement

The Council has engaged and been open to engagement with interested stakeholders throughout the Delivery DPD preparation. These are summarised in the Statement of Community Engagement (see Appendix 11 to this report).

f) Emerging Neighbourhood Plans

Chalfont St Peter and Chalfont St Giles parish councils have both been preparing draft neighbourhood plans for their parish areas. Officers have been supporting the preparation of both of these plans and have been seeking to compliment them with the emerging Delivery DPD.

g) Local Plan Policy Advisory Group

The Local Plan PAG met on 14 occasions since August 2012 to explore key issues connected to the emerging Delivery DPD and to provide officers with advice, challenge and a steer.

h) Sustainability Appraisal

The Sustainability Appraisal has been an on-going process supporting the preparation of the Delivery DPD. The latest version which will also be the subject of public consultation (and therefore open to representations which will also be considered at an Examination) is in Appendix 4.

i) Viability Assessment

A Viability Assessment has been carried out to test whether the combined requirements of the Core Strategy and draft Delivery DPD are not too onerous so as to either prevent development proposals from coming forward or development is unable to meet requirements to make development proposals sustainable. This is contained in Appendix 6.

j) Equalities Impact Assessment

An Equalities Impact Assessment has been undertaken on the draft Delivery DPD, contained in Appendix 7.

k) Housing and Planning Overview Committee

The Overview Committee considered this Cabinet report on 21st January 2013 and made some recommended amendments to the Delivery DPD. These recommendations have been incorporated in the draft Delivery DPD in Appendix 1.

- 4 The draft Delivery DPD and associated documents are recommended to be approved for public consultation and then submission to the Secretary of State.

Pre-submission Infrastructure Delivery Schedule

- 5 The Core Strategy (in its Appendix 7) contains a Draft Infrastructure Delivery Schedule based on the overall scale of proposed development and strategic proposals/allocations in the Core Strategy. The Delivery DPD process has considered infrastructure needs in more detail and has consulted adjacent areas and other key bodies under the Duty to Co-operate (see Appendix 5) as well as other key infrastructure providers.
- 6 Appendix 2 contains the proposed Infrastructure Delivery Schedule to 2026. This will also be subject to public consultation and examination alongside the Delivery DPD and will need to be updated during the plan period.

Community Infrastructure Levy Review

- 7 The Core Strategy (Paragraph 17.3) states "*Whilst at this time there is no overwhelming argument in favour of using the proposed Community Infrastructure Levy, this issue will be kept under review.*" Although if to be taken forward CIL would be considered under a separate process from the preparation of Delivery DPD, evidence gathered as part of the Delivery DPD process will be key determinants as to whether CIL is relevant within Chiltern to 2026. The Delivery DPD identifies infrastructure requirements, their funding needs and potential gaps in funding. Preparation of the Delivery DPD and Infrastructure delivery Schedule has engaged with infrastructure and service providers on their needs and investment requirements; considered the overall viability of the Core Strategy and emerging Delivery DPD including delivery of essential infrastructure; and identifies 'local measures' ambitions of town and parish councils and communities. The latter point is important as if CIL is introduced a percentage of collected CIL will go to town and parish councils (25% for areas with an adopted neighbourhood plan and 15% in other areas).
- 8 Therefore a review of CIL has been undertaken drawing on the following:

- a) The views and advice of infrastructure and service providers (see Appendix 12)
 - b) Responses under the Duty to Co-operate (see Appendix 5)
 - c) The overall scale and distribution of development proposals emerging in the Delivery DPD
 - d) The proposed Infrastructure Delivery Schedule (see Appendix 2) and funding needs
 - e) Viability Assessment (see Appendix 6)
 - f) Identified Local Measures in Appendix 1 and emerging proposals in the Chalfont St Peter and Chalfont St Giles neighbourhood plans
 - g) Outcome of discussions on CIL in the Local Plan PAG (the view of the PAG is that the circumstances set out in the Core Strategy have not changed and that Cabinet should not support a CIL in Chiltern District)
 - h) Discussions with the Bucks and Thames Valley Local Enterprise Partnership and progress towards bidding for infrastructure funding from the Government from 2015/16 to 2020/21.
- 9 A key corporate objective of the Council is to deliver affordable housing and affordable housing funding linked to new development falls outside of CIL. If CIL were introduced then CIL funding would take precedence over affordable housing funding with a risk that funding will be reduced for affordable housing if the viability of development proposals will be threatened. This was also a key consideration for the Local Plan PAG.
- 10 Since adoption of the Core Strategy, CIL has been introduced nationally by Government, has been the subject of changes and is expected to be the subject of further changes. This review of CIL takes into account the current position plus the Government's response to a recent consultation on CIL.
- 11 The recommended outcome of the review taking account of the above is that the Council does not pursue a CIL to 2026. This is subject to changes in national policy/legislation and the outcome of the Delivery DPD Examination process and as such may have to be reviewed again if circumstances change.

Proposed Public Consultation and Next Stages

- 12 Before the Council can adopt the Delivery DPD it, along with other key documents set out in this report, needs to be the subject of a minimum 6 week public consultation. Following public consultation the Delivery DPD is required to be the subject of an Examination by an Inspector appointed by the Planning Inspectorate (PINS), with that Examination considering the soundness of the plan and compliance with the statutory process including the Duty to Co-operate

- 13 It is proposed that Public Consultation is held between 20th February 2014 and 4th April 2014 and carried out in accordance with the Council's Statement of Community Involvement and Town and Country Planning (Local Planning) (England) Regulations 2013. It is recommended that the Public Consultation comprises:
- a) an advert on the Council website headline story board on the home page
 - b) access to documents on the Planning pages of the Council website
 - c) e-mails (where available) or letters to be sent to all statutory consultees, local groups, organisations and individuals on the Council's Local Development Framework consultation data base
 - d) hard copies of the Public Participation Document provided to all local libraries serving Chiltern residents
 - e) hard copy documents available at the Council Amersham Office
 - f) e-mail notification to all Chiltern District councillors and staff in advance of the consultation process
 - g) press release at the start of the consultation period.
- 14 Unless there are significant issues that are duly made during the public consultation, this report seeks Cabinet delegated authority for officers to prepare the Council's Delivery DPD submission documents and to undertake any necessary Examination in Public.

Local Development Scheme

- 15 The Delivery DPD has been prepared in accordance with the Council approved Local Development Scheme (LDS), November 2012 which set out a programme for the Delivery DPD. This programme includes formal publication in January/February 2014. Although the LDS timetable has been met to-date, minor programme modifications are now required as set out in Recommendation 10.
- 16 Recommendation 6 seeks approval for delegated authority to deal with representations submitted as part of the consultation. This is to enable representations to be considered in a timeframe to enable the remainder of the LDS timetable to be met (i.e. Submission of the Plan to the Secretary of State in May 2014). Provision is made in Recommendation 6 for substantive changes to the Delivery DPD to be considered by Cabinet, if this is required then the remainder of LDS timetable may have to be revised at that point.
- 17 In addition the recommended Delivery DPD sets out additional work areas for the Policy Team; namely preparation of a Parking SPD following the conclusions of joint work with the County Council and other districts, development briefs for Chalfont Grove (see Policy DGB4 and proposal PDL2), Springfield Road, Chesham (see Policy DE2) and Land at the back of High Street and adjacent to Great Missenden

Station (see Opportunity Proposal Site O11) and good practice design guides.

Background papers:

Local Development Scheme (LDS) 2012 to 2015
Core Strategy for Chiltern District
Core Strategy Sustainability Appraisal
Core Strategy Equalities Impact Assessment
Core Strategy Evidence Base contained on the Council website
Neighbourhood area declaring Chalfont St Peter and Chalfont St Giles
Local Plan Policy Advisory Papers (Confidential)
Chiltern Statement of Community Involvement
Delivery DPD Evidence Base (listed in Appendix 13)
Government published response to the Community Infrastructure Levy consultation

Appendices

1. Pre-Submission Delivery Development Plan Document
2. Pre-Submission Infrastructure Delivery Schedule
3. Pre-Submission Policies Map Booklet
<http://www.chiltern.gov.uk/article/2803/Delivery-Development-Plan-Document-DDPD>
4. Pre-Submission Sustainability Assessment
<http://www.chiltern.gov.uk/CHttpHandler.ashx?id=3480&p=0>
5. Duty to Co-operate Report
6. Viability Assessment
7. Equalities Impact Assessment
8. Chiltern Heritage Strategy
9. Responses to Delivery Development Plan Public Participation (April to June 2013)
<http://www.chiltern.gov.uk/CHttpHandler.ashx?id=3485&p=0>
10. Responses to Delivery Development Plan Gypsy, Traveller and Travelling Showpeople Site Options Public Participation (September / October 2013)
<http://www.chiltern.gov.uk/CHttpHandler.ashx?id=3486&p=0>
11. Statement of Community Engagement
12. Community Infrastructure Levy Representations
13. Evidence Base