

<b>SUBJECT:</b>	<b>Local Development Scheme 2015 to 2019 and any associated decisions</b>
<b>REPORT OF:</b>	<b>Officer Management Team - Director of Services Prepared by - Head of Sustainable Development</b>

## 1. Purpose of Report

- 1.1 To consider revising the Council's Local Development Scheme 2013-16 (approved in July 2013) taking into account new national planning policy and guidance, changed circumstances, the outcome of the Shared Service Planning Policy Review and recent and emerging issues under the Duty to Co-operate.
- 1.2 The Local Development Scheme (LDS) sets out a programme of work to deliver the Council's intended plan-making and associated activities and as such will commit the Council to a 'plan-making strategy' with key targets or milestones. The Council is only required to publish a timetable for plan-making however it is considered helpful (and best practice) to publish more details alongside the timetable.
- 1.3 It will be important for the Council to carefully consider the LDS timetable and be confident about meeting its key milestones. The Council is required to bring forward its plan-making in accordance with the LDS and failure to do so could become an examination issue.

## 2. Links to Council Policy Objectives

- 2.1 Plans prepared under the LDS will be a key Council means of delivery for all of the Council objectives and the South Bucks Sustainable Community Strategy themes of:
  - Thriving economy
  - Sustainable environment
  - Safe communities
  - Health and well-being
  - Cohesive and strong communities

## 3. Background

- 3.1 The current LDS is on the Council's website and sets out a plan-making timetable for:
  - Development Management Local Plan (intended adoption in October 2016)
  - Gypsies and Travellers Plan (intended adoption was in October 2015)
- 3.2 The adoption date for the Gypsy and Travellers Plan has been delayed and the timetable for the Development Management Local Plan has slipped and will not be achieved.
- 3.3 The LDS also includes other Planning Policy work such as Mill Lane, Affordable Housing and Wilton Park supplementary planning document - which are either adopted or in the case of Wilton Park is at a significantly advanced stage.

3.4 Since the LDS was approved there have been a number of significant changed circumstances or consideration which in part explains the reasons why the LDS timetable has not been achieved. Key changes are:

- Publication of the National Planning Practice Guidance (NPPG)
- Legislative changes, such as those related to the Localism Act 2011 with the potential for the take up of neighbourhood planning locally
- Expected imminent changes in future Government policy or guidance (e.g. recently consulted changes on Gypsy and Traveller policy)
- An agreed ‘Shared Framework for the Buckinghamshire Councils on Duty to Co-operate and Alignment of Local Plan Timetables and Shared Evidence Base’
- Progressed joint working on evidence base documents (e.g. see Paragraphs 4.4 and 4.5 below)
- Nationally a number of High Court decisions and plan examination outcomes which has significantly increased the risk to plans bringing forward housing related policies/proposals which are not based on an up-to-date objectively assessed housing need
- Potential duty to co-operate issues with authorities adjacent to South Bucks (including Three Rivers District Council; the Berkshire authorities and London Borough of Hillingdon)
- Consideration of resources influenced by the Share Service Review of Planning Policy, increasing workloads and corporate resource pressures.

**4. Proposal/Discussion**

4.1 Clearly the Council’s LDS is out-of-date and requires revising. There are considered to be two main options for the Council as set out in the table below along with commentary on key advantages and disadvantages.

Options	Key Advantages	Key Disadvantages
<p>1. Update the Current LDS Timetable (i.e. to revise the timetable for the Development Management Local Plan and Gypsies and Travellers Plan)</p>	<ul style="list-style-type: none"> <li>• Finish the current LDS work programme</li> <li>• Complete the Local Development Framework to 2026</li> <li>• Delay expenditure on the preparation of a new local plan</li> <li>• If found sound, have in place post-NPPF plan(s), enabling decisions to be derived from local policies</li> </ul>	<ul style="list-style-type: none"> <li>• Plan-making would not be aligned with others</li> <li>• The risk of being found unsound is significant due to outdated needs assessments</li> <li>• Missed opportunity of savings through joint working with others</li> <li>• If found unsound this could damage the ‘weight’ that is currently being attributed to the Core Strategy</li> <li>• On-going vulnerability at appeals for housing need related proposals even after adoption.</li> </ul>
<p>2. Prepare a new Local Plan to replace the Core Strategy and</p>	<ul style="list-style-type: none"> <li>• Have a plan-making basis compliant with national policy such as in relation to housing needs assessments</li> </ul>	<ul style="list-style-type: none"> <li>• The Plan will have a significant increase in the level of needs required to try to be accommodated - requiring for example a Green Belt review</li> </ul>

<p>saved parts of the local plan</p>	<ul style="list-style-type: none"> <li>• Best places the Council with other councils in Duty to Co-operate discussions</li> <li>• Best places the Council to have a sound plan at examination - e.g. NPPF and NPPG compliant; demonstrable duty to co-operate evidence; and complete evidence base</li> <li>• Rolls the plan period forward to 2036 and although having earlier plan-making costs will have a net saving over Option 1</li> <li>• New plan will increase in weight for decisions as the plan progresses and will enable the Council to demonstrate at appeals that it is putting in place plan-led development solutions</li> </ul>	
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- 4.2 Members should be aware that the Council would need to progress Option 2 at some point even if Option 1 was taken forward as the Council would need to start putting in place a new plan before 2026, the end of the adopted Core Strategy plan period.
- 4.3 Based on the above, officers would recommend Option 2. This would comprise drawing back from the current LDS proposed plans, to incorporate work undertaken on these where relevant into a new single local plan, to roll the plan period forward to 2036 and to best align the LDS timetable to appropriate councils' plan-making timetables.
- 4.4 Appendix 1 includes a draft revised LDS based on the conclusions in Paragraph 4.3 and takes into account matters set out in Paragraph 3.4 above which, subject to PAG's view, is intended to be recommended to Cabinet. The recommendation to Cabinet will also be subject to on-going discussions with other authorities under the Duty to Co-operate, the outcome of on-going work in defining Strategic Housing Market Areas (SHMA) and Functional Economic Market Areas (FEMA) affecting South Bucks and the final outcome of the Shared Service Review (not completed at the time of drafting this report).
- 4.5 Discussions with other authorities, the latest position on the SHMA/FEMA and Shared Service Review update will be reported verbally at the PAG. Importantly the SHMA/FEMA conclusions will group South Bucks (as it will with the other Buckinghamshire authorities) with other districts where the councils will have to work very closely together in terms of assessing development needs and as a first priority to work collaboratively to best meet those needs within their collective area. Therefore which authorities South Bucks becomes aligned with in its SHMA/FEMA will be key in shaping options to best meet those needs locally. Although this work is being progressed, at this stage it is unclear whether South Bucks is to be aligned with the other Buckinghamshire authorities (Chiltern, Wycombe and Aylesbury Vale) or included in a SHMA/FEMA based on the adjacent Berkshire authorities and potentially wider.

4.6 The recommended LDS contains the following key milestone targets:

- Regulation 18 Consultation - February/April 2015 (also on the PAG agenda)
- Issues and Options Consultation - January/February 2016
- Draft Plan Consultation - March/April 2017 (see Note below)
- Pre-submission Consultation - November/December 2017
- Examination in Public - September/October 2018
- Adoption - March 2019

Note: The Draft Plan consultation is the only stage which is not required by regulations but is recommended given the potential for the plan to include locally sensitive issues.

## 5. Resources, Risk and Other Implications

### Financial

- 5.1 There will be sufficient funding available in the revenue and reserve budgets to meet the recommended LDS plan-making costs for 2015/16. This will however reduce in part the reserve and in future budget setting processes consideration will have to be given to replenishing the reserve or increasing the revenue budget to complete the proposed LDS timetable (i.e. to enable plan adoption). This would also have to occur if Option 1 in the report was undertaken, albeit possibly at a later date. Option 1 also bears the greatest risk of plans being found unsound (and risk of incurring abortive costs) and would have a net higher cost in the longer term as a new local plan will have to be carried out in any event and there will be less opportunities for sharing some costs through joint working.
- 5.2 Being able to demonstrate that the Council is delivering a plan-led approach to meeting NPPF-compliant development needs may also reduce the risk of appeals and appeal costs.

### Legal

- 5.3 The Council is required to keep its local plan up-to-date. It is also required to have an LDS timetable for plan-making and to deliver plan-making in accordance with the LDS. The recommendation however is to go beyond the 'legal minimum requirement' (just the timetable) and to provide an LDS document with further details and background set out in Appendix 1.

### Risks issues

- 5.4 These are set out in the report (see the table in Paragraph 4.1 for example) and in the LDS itself. The recommended LDS, and importantly its proposed plan-making approach, seeks to minimise risks to the Council. In short a new single Local Plan is recommended while the LDS presents a challenging timetable (e.g. to keep up with other adjacent plan-making, best assist the Duty to Co-operate, minimise costs to the Council and reduce the risk of 'planning by appeal') whilst also being deliverable (e.g. taking account of Council resources and estimated time to get in place key evidence). The LDS may have to be revised again in due course in order to be kept up-to-date.

### Equalities

- 5.5 If the Council were to progress the Gypsy and Traveller Plan, rather than incorporating it in a new single local plan, then, assuming the Plan was to be found sound, it could put in

place proposal sites in the Development Plan to meet this ethnic minority groups accommodation needs sooner. Conversely there is an advantage in incorporating Gypsy and Traveller issues in a single local plan which may include urban extensions or reallocation of uses as the planned opportunities to secure improved integration with the settled community are increased. Also given expected changes in national policy the Gypsy and Traveller Needs Assessment may have to be revised which could delay plan progress. A new local plan would also be able to address all relevant equalities matters through an up-to-date plan. The new Local Plan would be the subject of an equalities assessment.

#### Sustainability

- 5.6 There are no direct sustainability implications from the LDS itself however sustainability will be a key objective for the Local Plan and will be the subject of a full sustainability appraisal.

#### 6. Recommendation(s)

1. That the PAG consider the options set out in this report and to make a recommendation to Cabinet as to which Option should be followed in a revised LDS.
2. If PAG agrees with the Officer recommendation to base an LDS on Option 2, to consider the draft LDS as set out in Appendix 1 and to suggest any changes to be recommended to Cabinet.

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<b>Background Papers:</b>	<b>None</b>