

Declarations of Interest

Any Member attending the meeting is reminded of the requirement to declare if he/she has a personal interest in any item of business, as defined in the Code of Conduct. If that interest is a prejudicial interest as defined in the Code the Member should also withdraw from the meeting.

A G E N D A

- | | (Pages) |
|--|-----------------|
| 1. Apologies for absence | |
| 2. Minutes | |
| To receive the minutes of the meeting of the PAG held on 11 June 2015. | (1 - 4) |
| 3. Report from Members | |
| To consider any reports/updates from the Portfolio Holder or Members on Outside Bodies. | |
| 4. Current Issues | |
| The Portfolio Holder and Head of Service to update Members on Part 1 current issues relating to the PAG and to receive feedback from Members (if any). | |
| 5. Reports Likely to Lead to Portfolio Holder making a Decision in Accordance with the Scheme of Delegations to Cabinet Members | |
| None | |
| 6. Reports Likely to Lead to Portfolio Holder Making a Recommendation to Cabinet | |
| (a) <u>Local Development Scheme Review</u> | |
| To consider report of the Head of Sustainable Development. | (5 - 12) |
| 7. Reports for Noting | |
| None. | |
| 8. Any other business | |
| Any other business which the Portfolio Holder considers is urgent. | |
| 9. Exempt Information | |
| To note the following item(s) contain exempt information, which is not for publication to the press or public. | |
| 10. Current Issues (Part II) | |
| The Portfolio Holder and Head of Service to update Members on update Part II current issues relating to the PAG and to receive feedback from Members (if any). | |

The next meeting is due to take place on Thursday, 26 November 2015

SUSTAINABLE DEVELOPMENT POLICY ADVISORY GROUP

Meeting - 11 June 2015

Present: Mr Naylor (Chairman)
Mr D Dhillon, Mrs Gibbs and Mr Vincent

Also Present: Mr Hogan and Mr Sangster

Apologies for absence: Mrs Lowen-Cooper and Mr Samson

1. BRIEFING ON THE ROLE OF THE SUSTAINABILITY DEVELOPMENT PAG

Members received a PowerPoint presentation on the role of the PAG which focussed on the following areas of work:

- Building Control
- Planning Policy
- Infrastructure Projects

RESOLVED that the presentation be noted.

2. MINUTES

The minutes of the meeting of the PAG held on 17 March 2015 were received.

3. REPORTS FROM MEMBERS

No reports from members were received.

4. CURRENT ISSUES

The Head of Sustainable Development, after explaining the purpose and effect of Article 4 Directions, advised members that an Article 4 Direction was already in force in relation to land at George Green which was currently being marketed.

5. REPORTS LIKELY TO LEAD TO THE PORTFOLIO HOLDER MAKING A DECISION IN ACCORDANCE WITH THE SCHEME OF DELEGATION TO CABINET MEMBERS

No reports.

6. REPORTS LIKELY TO LEAD THE PORTFOLIO HOLDER MAKING A RECOMMENDATION TO CABINET

(a) Update on Changes to Council Affordable Housing Procedures following changes made to Government Guidance

The PAG considered a report providing an update on recent changes made to the affordable housing national policy by central Government and outlining the implications of those changes on the Council's affordable housing policies and methods of collecting affordable housing contributions.

After noting the options and the corporate implications the PAG advised the Portfolio Holder to recommend the following:

1. That Cabinet notes the changes made to the National Planning Practice Guidance in relation to affordable housing schemes.
2. That when calculating floorspace in association with National Planning Practice Guidance the floorspace to be included in any gross internal measurement will include all built functional spaces forming part of the development, for example including basements, integral or attached garages and all detached buildings such as free standing garages or outbuildings.
3. That South Bucks District Council remove the requirement that when calculating floorspace in association with the National Planning Practice Guidance this will be measured taking external building measurements as this is now contrary to national guidance.
4. That Cabinet notes the revised approach to the methods of collecting financial contributions arising from planning obligations given the current National Planning Practice Guidance.
5. That Cabinet note the suggested approach to requests to vary existing planning obligations, including the potential payment of refunds of planning obligation funds already committed and that Cabinet delegate authority to determine if refunds of affordable housing contributions should be made on a case by case basis to the Head of Sustainable Development in consultation with the Head of Legal Services
6. That Cabinet agree to the drafting of a common planning application validation list for both Chiltern and South Bucks District Councils and authorise public consultation on the revised list once the draft has been agreed by the appropriate committees at each council.
7. That Cabinet notes the implications of the changes in national government guidance on the content of the Councils Affordable Housing SPD.

7. REPORTS FOR NOTING

None

8. ANY OTHER BUSINESS

None

9. EXEMPT INFORMATION

“That under Section 100(A)(4) of the Local Government Act 1972 following item of business is not for publication to the press or public on the grounds that it involves the likely disclosure of exempt information as defined in Paras 1 and 3 of Part 1 of Schedule 12A to the Act.”

10. MINUTES

The Part II minutes of the PAG held on 17 March 2015 were received.

11. PART II CURRENT ISSUES

None.

12. **PART II REPORTS LIKELY TO LEAD THE PORTFOLIO HOLDER MAKING A DECISION IN ACCORDANCE WITH THE SCHEME OF DELEGATION TO CABINET MEMBERS**

None.

13. **PART II REPORTS LIKELY TO LEAD THE PORTFOLIO HOLDER MAKING A RECOMMENDATION TO CABINET**

(a) HS2 Update

The PAG received and noted a report providing an update on issues relating to HS2.

14. **PART II REPORTS FOR NOTING**

None.

The meeting terminated at 7.05 pm

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SUBJECT:	<i>Local Development Scheme Review</i>
REPORT OF:	<i>Sustainable Development – Councillor Nick Naylor</i>
RESPONSIBLE OFFICER	<i>Peter Beckford, Head of Sustainable Development</i>
REPORT AUTHOR	<i>Graham Winwright, 01895 837298</i> graham.winwright@southbucks.gov.uk
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

The following draft report is intended for 13th October Cabinet on which the view for the PAG is requested.

Following the recent Government announced objective for speeding up plan-making, to consider options and a recommended way forward to produce a new Local Plan by early 2017 through a review the Councils' approved Local Development Scheme and other associated necessary actions.

RECOMMENDATION

That Cabinet recommend to Council;

1. Subject to agreement by Chiltern District Council, South Bucks District Council agrees to the preparation of a joint Chiltern and South Bucks Local Plan (2014 – 2036) under Section 28 of The Planning and Compulsory Purchase Act 2004 and for the preparation of a joint Chiltern and South Bucks Local Development Scheme to this effect.
2. Subject to approval of Recommendation 1 above and agreement by Chiltern District Council, that Council approves a joint Chiltern and South Bucks Local Development Scheme timetable such that the timetable comprises the following:
 - a) public consultation on a joint Local Plan in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 commencing in January/February 2016 incorporating an 'Issues and Options' consultation
 - b) a preferred options consultation commencing in October/November 2016
 - c) pre-submission consultation on the Local Plan in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 commencing in March/April 2017
 - d) submission of the Plan to the Secretary of State in accordance with Regulation 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012 in September 2017
 - e) anticipated examination in December 2017

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- f) anticipated adoption in June 2018
 - g) on-going Duty to Co-operate
 - h) review the need for a combined Chiltern and South Bucks community infrastructure levy at the most relevant point between September 2016 and July 2017.
3. Agree the establishment of a Joint Chiltern and South Bucks Council Local Plan Member Reference Group with:-
- a) The Group to consist of equal membership from the two councils, namely respective cabinet members with responsibility for planning plus up to five other members nominated by each council. Other than for the cabinet members there will be no substitutes and the cabinet members will be free to nominate a substitute member as and when necessary.
 - b) Meetings will not be open to the public and agendas, reports, documents and any notes of the meeting will be kept confidential amongst the two councils.
 - c) Other members of the councils will be able to attend the meetings and will be able to contribute to the meeting with the agreement of the Chairman.
 - d) The Group to have no decision making powers but to provide advice and a steer on the preparation of planning policy matters. Meetings will be arranged as required in order to progress the joint Local Plan to the Local Development Scheme Timetable, associated matters and other Local Plan related matters after the Local Plan has been adopted with due notice being given.
 - e) To be quorate, the meeting will require at least two appointed members from each Council to be present.
 - f) The terms of reference for the Group to be agreed at the first Group meeting.
 - g) Meetings as far as practicable will generally alternate between Chiltern and South Bucks offices. Both councils to elect a Chairman at the first meeting, with the chairmanship of meetings alternating between the two Councils (i.e. one chairing one meeting and the next chairing the next meeting).
4. That Council agree the nominations for the South Bucks member places on the Group, with those members to remain in place unless otherwise determined by Council.

That Cabinet approve, subject to recommendations 1 and 2 above being agreed by Council and Chiltern District Council:-

- 5. To delegate authority to the Head of Sustainable Development to update the supporting Local Development Scheme document as a new joint councils Local Development Scheme. In exercising this delegation the Head of Sustainable

Development will consult with and take into account the views of the Cabinet Member for Sustainable Development and the Chiltern District Council Cabinet Member for Sustainable Development.

6. That notification of the revised Local Development Scheme Timetable be sent as soon as practicable to all Duty to Co-operate organisations, all other Berkshire councils, local enterprise partnerships for Buckinghamshire and Berkshire, the Milton Keynes and Buckinghamshire Natural Environmental Partnership and groups, organisations and individuals on the Council's Planning Consultation Database.
7. That all of the public consultations on a joint emerging Local Plan to be carried out so as to meet the minimum requirements of both the South Bucks District Council and Chiltern District Council statements of community involvement.

Cabinet are also recommended to:-

8. Request as a matter of urgency the Joint Committee consider agreeing to the Planning Policy Team forming a shared service with Chiltern District Councils' Planning Policy Team, to be located at one of the authorities offices, either at Amersham or Denham.
9. Request as a matter of urgency the Personnel Committee to consider the staff resource implications for speeding up local plan making to meet the Government objectives.
10. Agreed to the funding of the additional expenditure to be met from the Council's LDF reserve.

2. Reasons for Recommendations

- 3.1 The new Government objectives for local plan-making will require a change to the Council's approved Local Development Scheme whilst presenting a significant challenge to produce a local plan by early 2017. The recommended approach is in line with a recommendation from the Shared Service Peer Review, will secure the best opportunity for the Council to meet the Government objective whilst having least financial impact.

3. Content of Report

- 3.1 The Government is to prepare a national league table for local plan-making and has said that "*In cases where no Local Plan has been produced by early 2017 – five years after the publication of the NPPF – we will intervene to arrange for the Plan to be written, in consultation with local people, to accelerate production of a Local Plan.*" Although the league table has not yet been published and it is not clear which local planning authorities could be affected it is clear that the Government is seeking to accelerate the preparation of local plans across the country, particularly in areas of high development pressure, and to significantly boost the supply of new housing to meet needs.

3.2 The approved Local Development Scheme for South Bucks has a timetable to 'produce' a new replacement local plan by May 2018, with examination in September/October 2018 and adoption in March 2019. Programming is a reflection of a number of factors including available resources, duty to co-operate relationships with the Berkshire authorities and the need to put in place a number of evidence base studies.

3.3 Officers are confident that the Council can meet the Government objective through a joint local plan as:

- a) A joint local plan will make more efficient use of available staff resources across the two councils and remove duplication in a number of areas. Whilst additional resources would be needed to speed up the preparation of separate local plans for South Bucks and Chiltern, less additional resources would be needed for the preparation of a joint plan.
- b) In preparing its own local plan South Bucks is grouped together with the Berkshire unitary authorities within a Housing Market Area (HMA) and Functional Economic Market Area (FEMA) which is making plan-making more complicated. For example the timetable for plan-making across Berkshire is not fully established and in many cases is likely to be behind South Bucks; there is disagreement between Buckinghamshire and Berkshire on the likely extent of the HMA (whether it would include South Bucks and all of the Berkshire authorities, or South Bucks and only some of the Berkshire authorities); officers are not confident that the Berkshire authorities will be able to respond collectively and quickly to joint evidence work as currently experienced through South Bucks seeking to promote joint housing supply and economic needs work; and infrastructure delivery is likely to be complicated by South Bucks being within a different local enterprise partnership area and in a two tier area with Buckinghamshire County Council delivering some services such as the Highway and Education authority. By undertaking a joint local plan with Chiltern District Council it is anticipated (but needs to be evidenced) that a joint Local Plan will be part of a Buckinghamshire HMA/FEMA with Wycombe and Aylesbury Vale. It is also anticipated that an East Berkshire HMA without South Bucks will be stronger in that it is likely to have a higher level of containment.
- c) The Government has announced that it will be bringing forward measures to support the speeding up of local plans, anticipated to be in October, and is expected to help relieve some of the evidence base burden on local planning authorities.

3.4 The above is also dependent on:-

- a) Additional resources – financial implications set out below and staff implications to be considered by the Personnel Committee
- b) The Planning Policy services from both councils forming a single shared Planning Policy team. Members will recall this was an option when the Joint Committee considered the Planning Policy Shared Service Business Case but was not accepted by Members at the time and so this decision in the light of changed circumstances will need to be reconsidered.

- c) To have a co-located team based at one of the two authorities offices.
- d) Formation of a joint South Bucks and Chiltern Member Reference Group to allow confidential discussions and to provide advice to the Cabinet members and Cabinets. The Group not to have any decision making powers but to assist in steering the development of the Local Plan to be the subject of subsequent public debate/papers.
- e) Possibly the need for both councils to have additional PAGs and or Cabinets to ensure co-ordination of decisions to meet the timetable.
- f) Creation of a single local plan where development proposals are not ring-fenced towards meeting needs in a particular area but where proposals are brought forward so as to best deliver sustainable development.

4. Consultation

4.1 Lead officers from all adjacent local planning authorities to South Bucks and Chiltern district councils, the other Berkshire local planning authorities, Milton Keynes Council, Buckinghamshire County Council and the Bucks Thames Valley and Thames Valley Berkshire local enterprise partnerships have been consulted.

4.2 At the time this report the following summary comments had been received:

- a) Buckinghamshire County Council: Initial response is that the joint approach seems sensible (both in totality and duty to cooperate terms).
- b) Milton Keynes Council: Do not consider there to be any pressing concerns about a potential joint Plan for the two authorities and the evidence required, from this Council's point of view. However, it will be important to maintain our involvement as things progress so that we can be kept up to speed with any unmet development needs which either Council may identify.
- c) Dacorum Borough Council: Do not consider that the proposal should raise any duty to co-operate issues above and beyond those previously highlighted. Note the complications regarding the Bucks-wide work on the SHMA and the fact that the two authorities appear to sit within separate Housing Market Areas.
- d) Bracknell Forest Council: From our perspective we will continue pushing for our SHMA to be completed asap, so we can progress with our local plan.

5. Options

5.1 The Council has three options, to continue on the current Local Development Scheme timetable (which will not meet the Government objective for plan-making); to progress a South Bucks Local Plan to a shorter timescale (requiring additional resources and with significant risks of not meeting the timetable); or to explore a joint local plan with

Chiltern District Council to meet the Government objective (also requiring additional resources but less than carrying out separate plans, costing less to prepare particularly in the 'examination' stage, having less timetable risks and would meet a recommendation coming out of the Peer Challenge Review).

7. Corporate Implications

7.1 *Financial* – a separate report is being prepared for the Personnel Committee to increase staff capacity and promote staff retention. To continue to prepare a separate local plan but to do so at an accelerated pace in order to seek to meet the Government's new target would involve, for South Bucks alone (a) additional on-going annual costs of circa £106,000, and (b) additional one-off costs of circa £29,000. However, preparation of a joint local plan would involve additional on-going annual costs of circa £94,000 to be shared between the 2 authorities, and (b) additional one-off costs of circa £57,000 to be shared between the 2 authorities. Accordingly, the preparation of a joint local plan will be more cost-effective than continuing with the preparation of separate local plans. These additional costs are recommended to be met through a combination of existing budgets across the two Councils, use of reserve budgets and to be considered as part of future budget processes. Other than staffing costs, a joint local plan will secure significant savings through for example having a single plan examination (estimated £100k saving) and increased evidence base cost sharing, thus maximising cost avoidance. There is also expected to be other efficiency and time savings within Planning Policy (e.g. removal of duplications) and across the two councils, for example services will only need to engage on one local plan and a reduced collective number of member meetings. Additional resources will be needed to deliver a shared service including additional project management time, and this has been factored into the figures above. The Joint Committee in re-considering establishing a joint Planning Policy team will need to determine how the cost of the service will be apportioned.

Any additional costs over and above the current budgetary provision are recommended to be met from the Council's LDF reserve, which as at 1st April 2015 stood at £268,000

7.2 *Legal* – the Council's legally are able to prepare a joint local plan and operate through a shared service planning policy team.

7.3 *Environmental Issues and Sustainability* – having a single local plan is expected to reduce the overall use of paper while the plan itself will be the subject of a Sustainability Appraisal, Strategic Environmental Assessment and Habitat Regulation Assessment.

7.4 *ICT* – there will be ICT implications for a shared service which will need to be identified and addressed but in the same way as other services that have become single teams in one location.

7.5 *Partnership* – addressed in section 4 of this report.

8. Links to Council Policy Objectives

8.1 The recommendation will deliver cost effective, customer focused services by providing a best value for money service particularly through optimising use of resources reducing unavoidable costs through the shared services programme and providing excellent services.

8.2 The recommendation will also strive to conserve the environment and promote sustainability through a joint plan delivering the most sustainable development solutions to meet local needs in the plan area and through more efficient use of resources.

9. Next Step

9.1 Chiltern District Council’s Cabinet will need to consider the above on 20th October 2015. Both Cabinets will then make recommendations to their respective Councils and subject to both Cabinet support and both Councils resolving to agree:

- a) A joint Local Development Scheme Timetable will be published
- b) Duty to Co-operate organisations, town and parish councils, local groups and organisations/individuals on both Councils consultation data bases will be notified and a press release issued
- c) Subject to agreement by the Joint Committee, processes will be put in place to start to implement a Joint Planning Policy Team
- d) Subject to agreement by the Personnel Committee staff resourcing measures will be put in place.
- e) Meeting dates will be set up for the Joint Chiltern and South Bucks Member Reference Group or PAG and other meeting dates established to deliver to the Local Development Scheme Timetable.

Background Papers:	
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