

**CABINET – 3 DECEMBER 2008**

**EXECUTIVE SUMMARY SHEET – PART I**

**Title of Report:**

SUNDERLAND CITY COUNCIL LOCAL DEVELOPMENT FRAMEWORK: ANNUAL MONITORING REPORT 2007/ 2008

**Author:**

Director of Development and Regeneration

**Purpose of Report:**

This report seeks approval of the council's Local Development Framework Annual Monitoring Report (AMR) for 2007/08 and seeks approval for submitting the AMR to the Secretary of State for Communities and Local Government.

**Description of Decision:**

Cabinet is requested to:

- i) Agree and endorse the Annual Monitoring Report;
- ii) Delegate authority to the Director of Development and Regeneration to finalise the Annual Monitoring Report, including amendments of a non-substantive nature, prior to its formal submission to the Secretary of State;
- iii) Authorise officers to make appropriate arrangements for submitting the Annual Monitoring Report to Government Office for the North East acting on behalf of the Secretary of State for Communities and Local Government.

**Is the decision consistent with the Budget/ Policy Framework?** Yes

**If not, Council approval is required to change the Budget/ Policy Framework**

**Suggested reason(s) for Decision:**

To comply with the statutory requirement to prepare an Annual Monitoring Report and submit it to the Secretary of State for Communities and Local Government.

**Alternative options to be considered and recommended to be rejected:**

The City Council has a statutory duty to monitor the Local Development Framework and prepare an Annual Monitoring Report; consequently no alternative options can be recommended.

**Is this a "Key Decision" as defined in the Constitution?**

**Yes**

**Is it included in the Forward Plan?**

**Yes**

**Relevant Review Committee:**

Environmental and Planning

Planning and Highways Committee

**SUNDERLAND CITY COUNCIL LOCAL DEVELOPMENT FRAMEWORK:  
ANNUAL MONITORING REPORT 2007/08**

**REPORT OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION**

**1.0 Purpose of Report**

- 1.1 This report seeks approval of the council's Local Development Framework Annual Monitoring Report (AMR) for 2007/08 and seeks approval for submitting the AMR to the Secretary of State for Communities and Local Government.

**2.0 Description of Decision**

- 2.1 Cabinet is requested to:
- i) Agree and endorse the Annual Monitoring Report;
  - ii) Delegate authority to the Director of Development and Regeneration to finalise the Annual Monitoring Report, including amendments of a non-substantive nature, prior to its formal submission to the Secretary of State;
  - iii) Authorise officers to make appropriate arrangements for submitting the Annual Monitoring Report to Government Office for the North East acting on behalf of the Secretary of State for Communities and Local Government.

**3.0 Background and current position**

- 3.1 Under the Planning and Compulsory Purchase Act 2004, the City Council is required to prepare a Local Development Framework (LDF). The LDF will replace the current Unitary Development Plan which was adopted in 1998. As the statutory development plan for the city, the LDF will be the starting point in the consideration of planning applications for the development or use of land. Furthermore, it will be a fundamental document in delivering the key spatial objectives of the Sunderland Strategy.
- 3.2 As part of the LDF the City Council is required to prepare an Annual Monitoring Report (AMR) to assess:-
- Progress on the implementation of its Local Development Scheme (LDS) which sets out the overall timetable for the preparation of the various components of the LDF;
  - The extent to which policies in local development documents are being achieved.
- 3.3 The Annual Monitoring Report forms part of the LDF and must be submitted to the Secretary of State for Communities and Local Government by 31st December each year. This is the fourth AMR to be prepared and covers the period from 1st April 2007 to 31st March 2008.

3.4 In preparing the AMR the council must undertake five key monitoring tasks:-

- 1) Review progress in terms of local development document preparation against the timetable and milestones set out in the Local Development Scheme;
- 2) Assess the extent to which policies in Local Development Documents are being implemented;
- 3) Where policies are not being implemented, explain why and set out what steps are being taken to ensure that the policy is implemented; or whether the policy is to be amended or replaced;
- 4) Identify the significant effects of implementing policies in local development documents and whether they are as intended;
- 5) Set out whether policies are to be amended or replaced.

3.5 The working draft of the AMR for 2007/08 has been placed in the Members' Room. Further work is required before it is finalised, although it is unlikely that the document will change significantly.

#### 4.0 Progress on Development Plan Documents (DPD's)

4.1 The Local Development Scheme (LDS) provides a timetable for document preparation. The council's current LDS was approved in March 2007. The LDS addresses the preparation of six local development documents. Progress on these has been as follows:-

- **Statement of Community Involvement** – The SCI was formally adopted by Council in November 2006 (the LDS milestone was met);
- **UDP Alteration No. 2 (Central Sunderland)** – Following the receipt of the Public Local Inquiry Inspector's report in July 2007 the policies were appropriately amended and the Alteration was adopted by the council on 26th September 2007 (the LDS milestone was met). The Alteration is currently the subject of a High Court Challenge;
- **Core Strategy** – A "Preferred" Option report was published for public consultation in December 2007 (the LDS milestone was met). The nature and scope of the objections received have required a re-appraisal of parts of the Core Strategy (see below);
- **Housing Allocations** – This DPD will identify site-specific allocations for housing development in the City. A range of general housing issues and options has been developed and consultation on these was undertaken towards the end of 2007/ early 2008 (in accordance with the LDS). Work has progressed on the Strategic Housing Market Needs Assessment and the Strategic Housing Land Availability Assessment which will underpin the DPD. Further work on this DPD is required to align it with the preparation of the Core Strategy. This will be assisted now by the adoption of RSS which was published in July 2008;
- **Allocations DPD** – This document will identify sites for employment, retail, community facilities and open space, areas of nature conservation and transport routes. The preparation of the initial Issues and Options

document has not progressed due to the need to undertake detailed studies to inform the evidence base. These are now progressing;

- **Hetton Downs Area Action Plan** – Centring on the Hetton Downs/ Eppleton area this plan will provide the development framework for the area's long-term sustainable improvement and regeneration. Submission to the Secretary of State has been delayed due to detailed development issues arising around particular sites in the area and the need to undertake further consultation.

4.2 It should be noted that in terms of the LDF, Housing and Planning Delivery Grant criteria now focus on plan-making and outcomes, particularly delivery of new housing. In 2008 the council was awarded £104,000 for progress in bringing forward the LDF over the previous year.

4.3 During 2007/08 there were a number of important changes to policy at national level which have a bearing on both the preparation and content of the LDF. The most significant change affecting plan preparation came in June 2008 with the publication of revised development plan regulations. These amend certain parts of the Town and Country Planning (Local Development) Regulations 2004 with the aim of simplifying plan making procedures in England; the main change being that there are now only two stages of formal public consultation – pre-publication and publication.

4.4 To accompany the regulations a revised version of Planning Policy Statement 12 (Local Spatial Planning) was issued which outlined how the changes to legislation should be reflected in local authority plan-making. The main matters to note in the new PPS are:-

- Particular emphasis is now placed on the spatial approach to planning;
- The Core Strategy is the key plan within the Local Development Framework (subsidiary documents such as the Housing Allocations DPD should not be brought forward until the Local Planning Authority is certain of the content of its Core Strategy);
- Core Strategies must be effective; this means they must be:-
  - **Deliverable** i.e. based on sound infrastructure planning;
  - **Flexible** i.e. plans should look forward over a 15-year period and should be able to deal with changing circumstances;
  - **Able to be monitored** i.e. have clear arrangements for monitoring and reporting results to the public.
- The number of milestones key stages in plan preparation has been reduced;
- It is now permissible to specifically allocate sites within the Core Strategy that are of a strategic significance for instance the Port, Groves, Cherry Knowle. This could have profound ramifications for progressing Core strategies involving further alternatives and sustainability appraisal work.

## 5.0 Implications for Future Plan Progress

5.1 The implication of national policy for plan-making in Sunderland is that there is a need to re-examine the current programme for DPD preparation. The circumstances surrounding the development of the Core Strategy – particularly

regarding the evidence base - are considered to be of such significance to warrant the comprehensive amendment of the LDS. Changes to the programme of Core Strategy preparation will have a knock-on effect on those of subsequent allocations DPD's. The revised programme will be the subject of detailed discussions with Government Office North East (GO-NE) and the Planning Inspectorate to establish an appropriate programme which will then be the subject of a future report to Cabinet early in 2009 where approval of the new LDS will be sought.

5.2 The following changes to individual DPD's are proposed:-

- **Core Strategy** – As the core strategy is fundamental to the entire suite of LDF documents there is a need to ensure that it is fit for purpose and founded on a credible evidence base. The early core strategies of some other councils have failed at examination as they were found to be “unsound” by planning inspectors. More recently the Inspector examining Newcastle's Core Strategy has raised serious doubts over the evidence underpinning that plan. To this end, Newcastle has formally withdrawn its Submitted Core Strategy to address its shortcomings.

In the case of Sunderland, whilst there was overall support for the spatial vision and objectives, the nature of objections received during the consultation on the Preferred Options document has highlighted the need to reconsider certain aspects of the Core Strategy. In particular, many policies need to be more locally distinctive to the city, including policies relating to transport and accessibility, design, biodiversity, heritage and flood risk. In addition, a clear trail of supporting evidence is required especially in relation to economic development, retail, housing, waste, greenspace and supporting proposals for planning gain. GO-NE has identified the need for spatial alternative options to be consulted on that show the combined impact of individual themes. A further key matter identified is that the Core Strategy should be the DPD where strategic land-use decisions are made – such matters as housing growth areas and strategic sites should not be determined at the level of allocations DPD's.

The need to enhance the evidence base (detailed studies into employment land, retail need and greenspace are being undertaken) will require reconsideration of the Issues and Options stage of the plan. The work already undertaken on the Preferred Options document will not be lost and will be used alongside subsequent public consultation to inform a revised version more in accordance with the latest government planning guidance.

- **Housing Allocations and Allocations DPD** – Whilst the Housing Allocations document has progressed to the Issues and Options stage, consultation responses highlighted the need for many housing related issues to be determined through the Core Strategy e.g. identification of growth points and strategic sites.

The need to undertake detailed studies (retail need, employment land and greenspace) to inform the Allocations DPD has delayed the production of the Issues and Options document. The adoption of the Regional Spatial Strategy and the revised housing allocation for the City needs to be taken into consideration.

Due to the inter-relationship of these two DPD's, particularly with regard to the move towards more mixed-use developments where housing, employment and other uses can all go on one site, it is proposed to amalgamate the documents to provide a single DPD which encompasses the full range of land-use allocations. This would have benefits in terms of sustainability appraisal and in terms of simplifying public consultation arrangements and undertaking statutory sustainability appraisals of all land uses.

- **Hetton Downs Area Action Plan** – A revised date for the Submission of this plan will be identified in the LDS which will be presented to Cabinet for consideration and endorsement early in 2009.

4.3 Further detail on document preparation will be included in the AMR. Full detail of milestone stages will be contained in the revised LDS.

## 5.0 Policy Monitoring

5.1 There is a requirement for the AMR to monitor the performance of development plan policies to establish whether they are effective in achieving their aims and objectives. As the council has not yet adopted any DPDs, the AMR relates wholly to the "saved" UDP.

5.2 The new planning system emphasises the importance of evidence-based policy making. To assist in monitoring the effectiveness of development plan policies a series of 22 key Core Output Indicators was identified by the Office of the Deputy Prime Minister (now the Department for Communities and Local Government (CLG)). A revised set of 20 Core Output Indicators was issued by CLG in July 2008 which accord more closely with the National Indicators underpinning Public Service Agreement priorities, and these have been incorporated into the AMR monitoring regime where appropriate.

5.3 In addition the monitoring guidance suggests the inclusion of local – or "contextual" – indicators. These consider the effects of policies not covered by the Core Output Indicators on the local area.

5.4 As this is the fourth AMR to be prepared it is possible to provide commentary on year-on-year changes and highlight significant developments in the City. In 2007/ 08 these include:-

- **Business Development and Town Centres** – some 5,000m<sup>2</sup> of new employment floorspace was developed, primarily for office and general industrial uses. Whilst retail provision in the main centres remained unchanged, there was a loss of floorspace for "town centre use" due to the conversion of properties to housing though this is unlikely to affect the vitality of centres;
- **Housing** – Whilst the number of new house completions and conversions to residential use in the City remains high (818), it is offset by the significant number of demolitions and conversion out of residential use (632); in net terms only 186 additional dwellings were completed, however

this is a 51% increase over the figure for the previous year (123 dwellings additional dwellings);

- **Environmental Quality**– a new conservation area was declared at The Cedars – this is the fourteenth in the City;
- **Waste** – the 25% target for the recovery of household waste (recycled or composted) has again been exceeded;
- **Renewable Energy** – recent approvals including the wind farm at Great Eppleton have the potential to generate up to 15 megawatts of electricity. This will make a significant contribution to the 22 megawatt renewable energy target set in the Regional Spatial strategy.

5.5 The AMR provides a measure of the effectiveness of development plan policies; that is whether they are being implemented; identifying the significant effects of implementing policies (and whether they are as intended); and setting out whether policies are to be amended or replaced. This will be an important part of the approach to LDF policy monitoring and management.

5.6 It should be noted that, as required by the Planning and Compulsory Purchase Act, the policies in the Adopted UDP were “saved” in September 2007; as such they will continue to provide the statutory planning framework for the City until replaced by the policies in the LDF. Until this time, the saved UDP policies will continue to be monitored as part of the AMR process, thereafter monitoring will focus on LDF policies.

## 6.0 Reason for decision

6.1 To comply with the statutory requirement to prepare an Annual Monitoring Report and submit it to the Secretary of State for Communities and Local Government.

## 7.0 Alternative options

7.1 The City Council has a statutory duty to monitor the Local Development Framework and prepare an Annual Monitoring Report; consequently no alternative options can be recommended.

## 8.0 Relevant consultations/ considerations

- a) **Financial Implications** – Outside of the costs associated with document production and printing there are no direct costs arising from the Annual Monitoring Report. Costs will arise from developing the evidence base and from the Examinations of the various development plan documents (the examination of the Hetton Area Action Plan DPD is scheduled for spring 2009). Funding for any additional costs to the council will be met from contingencies.
- b) **Legal Implications** – The AMR has been prepared in accordance with the appropriate Planning Regulations and Government guidance. The City

Solicitor has been consulted and his views incorporated into the body of this report.

- c) **Policy Implications** - The AMR will provide an important measure of how the policies in the LDF are performing in terms of both their implementation and effectiveness.

## 9.0 BACKGROUND PAPERS

Regional Spatial Strategy and Local Development Framework: Core Output Indicators - Update 2/ 2008 DCLG July 2008  
PPS12: Spatial Planning DCLG June 2008  
Sunderland City Council Annual Monitoring Report December 2007  
Sunderland City Council Local Development Scheme March 2007  
Sunderland City Council Annual Monitoring Report December 2006  
Sunderland City Council Cabinet Report December 2006  
Sunderland City Council Cabinet Report April 2006  
Sunderland City Council Annual Monitoring Report December 2005  
Sunderland City Council Cabinet Report December 2005  
Sunderland City Council Local Development Scheme March 2005  
LDF Monitoring: A Good Practice Guide ODPM March 2005  
PPS12: Companion Guide ODPM November 2004  
PPS12: Local Development Frameworks ODPM September 2004  
Correspondence on file P1S held in the Development and Regeneration Directorate

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