

<b>CABINET MEETING – 16 May 2016</b>  <b>EXECUTIVE SUMMARY SHEET – PART I</b>	
<b>Title of Report:</b> <b>SUNDERLAND LOCAL PLAN: APPROVAL OF REVISED LOCAL DEVELOPMENT SCHEME (LDS)</b>	
<b>Author(s):</b> Executive Director of Commercial Development	
<b>Purpose of Report:</b> The purpose of this report is to seek Cabinet approval of the revised Local Development Scheme (LDS) which sets out the timetable for the preparation of the different elements of the City's Local Plan.	
<b>Description of Decision:</b> Cabinet is requested to:- <ol style="list-style-type: none"> <li>1) Approve the revised Local Development Scheme as attached to this report;</li> <li>2) Resolve that the revised LDS shall have effect from 24 May 2016;</li> <li>3) Agree to the revised LDS being placed on the Council's website;</li> <li>4) Agree to a copy of the LDS being forwarded to Department of Communities and Local Government.</li> </ol>	
<b>Is the decision consistent with the Budget/Policy Framework?</b> <span style="float: right;"><b>*Yes</b></span>	
<b>If not, Council approval is required to change the Budget/Policy Framework</b>	
<b>Suggested reason(s) for Decision:</b> The decision is required to ensure that the legislation governing the preparation of the timetable for the City's statutory development plan is satisfied.	
<b>Alternative options to be considered and recommended to be rejected:</b> It is a statutory requirement that the Council prepares and updates its LDS. The alternative option of not updating and publicising the LDS as set out in this report cannot be recommended.	
<b>Impacts analysed:</b> <div style="display: flex; justify-content: space-between; align-items: center;"> <span>Equality <input style="width: 40px;" type="text" value="N"/></span> <span>Privacy <input style="width: 40px;" type="text" value="n/a"/></span> <span>Sustainability <input style="width: 40px;" type="text" value="Y"/></span> <span>Crime and Disorder <input style="width: 40px;" type="text" value="n/a"/></span> </div>	
<b>Is the Decision consistent with the Council's co-operative Values?</b> <span style="float: right;"><b>Yes</b></span>	
<b>Is this a "Key Decision" as defined in the Constitution?</b> <span style="float: right;"><b>*Yes</b></span>	
<b>Is it included in the 28 day Notice of Decisions?</b> <span style="float: right;"><b>*Yes</b></span>	



**SUNDERLAND LOCAL PLAN: APPROVAL OF REVISED LOCAL DEVELOPMENT SCHEME (LDS)**

**EXECUTIVE DIRECTOR OF COMMERCIAL DEVELOPMENT**

**1.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to seek Cabinet approval of the revised Local Development Scheme (LDS) which sets out the timetable for the preparation of the different elements of the City's Local Plan.

**2.0 DESCRIPTION OF DECISION**

- 2.1 Cabinet is requested to:-
- 1) Approve the revised Local Development Scheme as attached to this report;
  - 2) Resolve that the revised LDS shall have effect from 24 May 2016;
  - 3) Agree to the revised LDS being placed on the Council's website; and;
  - 4) Agree to a copy of the LDS being forwarded to Department of Communities and Local Government.

**3.0 BACKGROUND TO THE LOCAL DEVELOPMENT SCHEME**

- 3.1 The Council is required under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) to prepare a Local Development Scheme (LDS) which will provide a guide to the various documents which will comprise the Local Plan for the City, and the timetable for their preparation. It must be made available publically and kept up-to-date so that local communities and interested parties can keep track of progress. The Council must publish the LDS on its website.
- 3.2 Members will be aware that the Council is preparing a Local Plan that will direct the development of the City over the next 15-20 years. The Local Plan will comprise three main parts:-
1. A Core Strategy that will set out strategic City-wide policy (including a suite of Development Management policies);
  2. A separate Allocations Plan that will define sites for specific land uses; and
  3. An Area Action Plan for the International Advanced Manufacturing Park (IAMP) on land to the north of the Nissan plant.
- 3.3 The Council's current LDS was published in 2009. It is now necessary to update the LDS to provide the timetable for the preparation of the three development plan documents set out above.

**4.0 UPDATING THE LOCAL DEVELOPMENT SCHEME**

- 4.1 Plan-making involves a number of stages:-

- **Publication:** The initial draft plan. Particular care is needed over the preparation of this plan as essentially it is the document which the Council intends to Submit to the Secretary of State. This document will be subject to extensive public consultation;
- **Submission:** in the light of consultation responses the Council may consider modifications to the draft plan (any significant modifications will require further consultation). The Plan and associated supporting documents are then formally submitted to the Secretary of State. Beyond this stage the timetable is determined by the processes of the Planning Inspectorate;
- **Examination:** an independent Government Inspector will examine the plan – including the process of preparation - to assess whether it is sound. A formal hearing will be held where objectors will be able to state their case;
- **Adoption:** following the Examination, the Inspector will submit a report to the Council stating whether the plan is “sound” and outlining any modifications that may be needed to the plan. If the plan is found to be unsound because of a fundamental flaw in policy-making or process (eg.by failing to demonstrate proper working under the Duty to Cooperate) then it will have to be withdrawn and work recommence at an earlier stage in the process. This is a “worse case “scenario. However, even if the plan is found sound it is possible that it will need further modification. Depending upon their scale and nature these modifications may need further public consultation, but thereafter the Council will be able to adopt the plan as the formal development plan for the City (subject to legal challenge on a principle of law or process). Once adopted it will have considerable weight and all planning applications and development decisions will need to conform with the plan.

4.2 With regard to the three development plan documents set out above, the LDS highlights the following stages:-

#### **Core Strategy**

Publication	November 2016
Submission	March 2017
Examination	July 2017
Adoption	June 2018

#### **Allocations Plan**

Publication	November 2017
Submission	March 2018
Examination	June 2018
Adoption	May 2019

#### **IAMP Area Action Plan**

Publication	July 2016
Submission	December 2016
Examination	March 2017
Adoption	August 2017

## **5.0 NEXT STEPS**

- 5.1 The Department of Communities and Local Government (DCLG) recent technical consultation on the implementation of planning changes outlines actions that the Government is proposing, to ensure that Councils have local plans in place, including:-
- Publishing league tables setting out councils' progress on their plans;
  - Intervening where no plan has been produced by "early 2017";
- 5.2 As reported to March 2016 Cabinet, discussions with the DCLG at a liaison meeting earlier that month highlighted the importance of the LDS as it will be used by Government in monitoring the preparation of the City's Local Plan. This meeting helped to establish the Government's priorities for local plan making and highlighted the Council's recent practical efforts to improve progress on its plan preparation.
- 5.3 These discussions also highlighted that, whilst it is important that the Local Plan is progressed as rapidly as possible in order to hit the "early 2017" target (now confirmed as 31 March 2017), it is equally important to ensure that the programme is deliverable as any significant slippage from the LDS timetable could result in "intervention" by DCLG – this could potentially involve the plan being taken away from the Council and prepared by another body (at the Council's expense). To avoid the likelihood of intervention it is therefore vital to ensure that the timetable is robust and takes proper account of available resources and the legal and procedural requirements of the plan-making process.
- 5.4 Following approval by Cabinet, a copy of the approved LDS will be forwarded to DCLG to ensure that the Department is kept informed of the Council's commitment to bringing the Local Plan forward.
- 5.5 The recent DCLG consultation on the New Homes Bonus highlighted the Government's preference to penalise those councils whose Local Plans have not been put "in place" by 2017/18. This would mean reduced New Homes Bonus funding is received by the Council for the years from 2017/18 to the point that the Local Plan (Core Strategy) has been published and submitted to government. All legacy New Homes bonus payments (i.e. cycle payments in respect of years prior to 2017/18 will continue to be received).
- 5.6 The Council's current Medium Term Financial Statement for the period 2016/2017 to 2019/2020 assumes 100% New Homes Bonus funding is received in each of the years from 2017/2018. Therefore failure to secure this line of funding would detrimentally impact upon the council's financial planning.
- 5.7 It is now clear that the Council will need to ensure that the Core Strategy has been formally submitted to the Secretary of State by 31 March 2017 to avoid any reduction in New Homes Bonus and negative impact on the councils financial planning.
- 5.8 The outcome of the consultation paper is not yet known but the Council responded to the consultation by suggesting production of a Local Plan should not be used to reduce New Homes Bonus Funding. In the absence of the

government's known position, further discussion with DCLG will be taking place to clarify this situation and ensure that the Council's plan-making efforts are fully acknowledged so as to avoid any potential reduction in the New Homes Bonus.

## **6.0 REASON FOR DECISION**

- 6.1 The decision is required to ensure that the legislation governing the preparation of the timetable for the City's statutory development plan is satisfied.

## **7.0 ALTERNATIVE OPTIONS**

- 7.1 It is a statutory requirement that the Council prepares and updates its LDS. The alternative option of not updating and publicising the LDS as set out in this report cannot be recommended.

## **8.0 RELEVANT CONSIDERATIONS AND CONSULTATIONS**

### **8.1 Financial Implications**

The financial implications are set out in section 5.5 and the plan will be progressed accordingly to hit the milestones set out in the LDS in order to avoid any impact on the New Homes Bonus accruing to the Council.

### **8.2 Human Rights**

There are no human rights implications directly arising from this report.

### **8.3 Equalities and Diversity**

There are no Equality and Diversity issues directly associated with the LDS. Is it possible that equality issues could be identified at the various consultation stages, and if so, they be addressed at that point.

### **8.4 Public consultation**

At all stages of the Local Plan public consultation will be carried out in accordance with the Council's approved Statement of Community Involvement.

## **9.0 Appendices**

Appendix – Local Development Scheme 2016

## **10.0 Background Papers**

City of Sunderland Cabinet Report March 23 2016 (Growth Options)