





**CITY OF SUNDERLAND LOCAL DEVELOPMENT FRAMEWORK: AMENDMENTS TO LOCAL DEVELOPMENT SCHEME****REPORT OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION****1.0 Purpose of Report**

- 1.1 The Local Development Scheme provides a programme for the preparation of the City's Local Development Framework. This report seeks approval of amendments to the LDS.

**2.0 Description of Decision**

- 2.1 Cabinet is recommended to:

- i) Approve the proposed amendments to the Local Development Scheme (LDS);
- ii) Authorise officers to forward the LDS to the Government Office for the North East (GO-NE) for consideration;
- iii) Delegate authority to the Director of Development and Regeneration to agree any minor amendments to the LDS in consultation with the Portfolio Holder for Planning and Transportation;
- iv) Resolve that the revised LDS shall have effect from 1<sup>st</sup> May 2009 provided that no direction or notice is received from GO-NE on behalf of the Secretary of State.

**3.0 Background**

- 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 saved policies of the 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. It will also be one of the fundamental documents in enabling the delivery of the aims and objectives of the Sunderland Strategy 2008-25

- 3.2 The City's Local Development Framework will be made up of a number of separate documents. Briefly, these comprise: -

- 3.2.1 A **Core Strategy**, which will outline the key strategic policies of the planning framework for the City. It will set out broad locations for housing, employment, retail, leisure, community and transport development and specifically allocate those sites to be considered to be of strategic importance;
- 3.2.2 **Site Specific Allocations of Land** (e.g. housing, employment, open space, etc) will be set out in a separate development plan document (DPD);
- 3.2.3 A **Proposals Map** will show development plan policies and proposals on a geographic basis.

- 3.2.4 **Area Action Plans** will be prepared for areas where significant change or conservation is needed.
  - 3.2.5 **Supplementary Planning Documents** (SPD's) will augment DPD's by giving more detailed guidance on their policies.
  - 3.2.6 The **Statement of Community Involvement (SCI)** sets out the standards to be achieved by the Council in involving the community in the preparation of all local development documents.
- 3.3 The Local Development Scheme (LDS) outlines the programme for preparing the various documents which make up the LDF. It focuses on a three-year period and where necessary is rolled forward following annual review. Apart from its role in detailing the LDF programme, the LDS also set out "milestones"; which are key stages in the LDF preparation process which will be used to measure the Council's performance in terms of the Comprehensive Area Assessment (CAA), in addition to the award of Housing Planning Delivery Grant. The current LDS was approved by GONE in March 2007 and upon Cabinet's resolution took effect on 12<sup>th</sup> July 2007.

#### **4.0 Progress on Plan preparation**

- 4.1 The current LDS details the production of five DPD's:-

- UDP Alteration No. 2 (Central Sunderland)
- Core Strategy
- Housing Allocation DPD
- "Other" Allocations DPD
- Hetton Downs Area Action Plan

- 4.2 Significant work has been undertaken on bringing forward these documents. Progress on plan preparation is reported to Cabinet through an Annual Monitoring Report (AMR) which the Council is required to prepare under the Town and Country Planning (Local Development) Regulations 2004. The most recent AMR was considered and agreed by Cabinet at its meeting on 3<sup>rd</sup> December 2008.

#### **5.0 Changes to National Planning Policy**

- 5.1 The December report to Cabinet highlighted that during 2008 there were a number of important changes to planning policy at national level which have a bearing on both the preparation and content of the LDF. The most significant changes affecting plan preparation were introduced in June 2008 with the publication of revised development plan regulations. These amend certain parts of the 2004 Planning Regulations 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.
- 5.2 To accompany the regulations a revised version of Planning Policy Statement 12: Local Development Frameworks was issued. This new version (PPS12:

Local Spatial Planning) outlined how the changes to legislation should be reflected in local authority plan-making. The main matters to note in the new PPS are: -

- 5.2.1 Particular emphasis is now placed on the spatial approach to planning;
- 5.2.2 The Core Strategy is the key plan within the Local Development Framework (subsidiary documents such as the Allocations DPD should not be brought forward until the Local Planning Authority is certain of the content of its Core Strategy);
- 5.2.3 Core Strategies must be effective; this means they must be: -
  - **Deliverable** and therefore based on sound infrastructure planning;
  - **Flexible** in that plans should look forward over a 15-year period and should be able to deal with changing circumstances;
  - **Able to be monitored** which means having clear arrangements for monitoring and reporting results to the public.
- 5.2.4 It is now permissible specifically to allocate sites within the Core Strategy that are of a strategic significance, for instance the Port, the former Groves site and at Ryhope Hospitals. This could have significant implications on the programme for progressing Core strategies involving further options appraisal and sustainability appraisal work.
- 5.2.5 The number of milestones, the key stages in plan preparation, has been reduced and now comprise: -
  - Consulting statutory bodies on the Sustainability Appraisal;
  - Publication of the DPD;
  - Submission of the DPD;
  - Adoption of the DPD

## **6.0 Issues emerging during plan preparation**

- 6.1 In addition to the need to reflect the recent changes to the plan making process, there is a need to consider the local issues which have emerged during the actual process of bringing forward the various DPD's outlined in the current LDS: -
  - 6.2.1 **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 raised serious doubts over the evidence underpinning that plan. To this end, that Council has formally withdrawn its submitted core strategy to address the shortcomings identified by the Inspector.

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 (December 2007) 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 those 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 currently ongoing) will require reconsideration of the Issues and Options stage of the plan. The work already undertaken on the Preferred Options document will be used alongside subsequent public consultation to inform a revised version in accordance with the latest government planning guidance.

- 6.2.2 **Housing Allocations and Allocations DPD** – Whilst the Housing Allocations document has progressed to the Issues and Options stage (December 2007), consultation responses highlighted the need for many housing-related issues to be determined through the Core Strategy for example identification of growth points and strategic sites. The adoption of the Regional Spatial Strategy in July 2008 and the revised housing allocation for the City needs to be taken into consideration.

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 version of that document.

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 be accommodated 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 simplifying public consultation arrangements and undertaking statutory sustainability appraisals of all land uses in a comprehensive manner.

- 6.2.3 **Hetton Downs Area Action Plan** – Submission to the Secretary of State has been affected by the need to consider detailed development issues arising around particular sites in the area and the need to undertake further consultation.

## **7.0 The need to amend the LDS**

- 7.1 Whilst the early stages of preparing the Core Strategy and Housing Allocations DPD have proceeded according to the timetable in the approved LDS, there is now a requirement to re-programme the LDS to acknowledge and act on the following issues: -

- 7.1.1 The changes to national policy (PPS12) for plan making introduced, after a significant delay in June 2008. This has been exacerbated by the delay in introducing changes to the planning legislation – the Planning Act 2008 finally gained Royal Assent in November 2008.

- 7.1.2 On the advice of GO-NE, significant attention is now being given to the inclusion and allocation of strategic sites within the core strategy (as outlined above, this was not allowed under the previous system).
- 7.1.3 The lessons learned from the core strategies from other authorities that have been found unsound by Planning Inspectors. For example, as outlined at paragraph 6.1.1, the Planning Inspector into Newcastle City Council's core strategy outlined significant shortcomings in relation to the evidence base that had been prepared.
- 7.2 It has therefore been necessary to undertake a comprehensive amendment of the LDS to develop a more robust programme which will continue to deliver the LDF in a timely and realistic basis.
- 7.3 Alternatively, to continue with the current LDS programme would entail a significant risk of the Core Strategy being found unsound at a subsequent Examination. Failure of the Core Strategy would undermine the programme for the delivery of the Allocations DPD. Amending the LDS will ensure that the council has an up to date development plan at the time of its adoption. The effect of not having an up to date development plan for the City would be : -
  - 7.3.1 To delay development which is needed for the benefit of current and future residents of the area may be delayed or even shelved;
  - 7.3.2 The lack of a clear coordinated programme towards the allocation of land for housing and the necessary supporting infrastructure;
  - 7.3.3 An increase in the number of planning appeals lodged against the Council in discharging its function as the local planning authority;
  - 7.3.4 At a regional level, the Regional Spatial Strategy is in place and informs LDF's;
  - 7.3.5 UDP policies have been saved until they are replaced by the LDF;
  - 7.3.6 The LDF will attract increased weight as it passes through the key milestones, leading up to adoption in November 2011 as provisionally indicated in Annex 1.
- 7.4 The draft revised programme is attached to this report (Annex 1). This will be the subject of detailed discussions with the Government Office North East in order to "fine tune" the programme where necessary.

## **8.0 Next Steps**

8.1 There is no formal requirement to carry out public consultation regarding the LDS. Subject to Cabinet approval, the amended LDS will be submitted to GO-NE within 14 days where the LDS will be assessed for overall soundness. In the event of any minor amendments being requested by GO-NE, delegated authorisation is sought for the Director of Development and Regeneration to agree any such changes in consultation with the Portfolio Holder for Planning and Transportation. In the case of more substantive intervention, which would be reported back to Cabinet, GO-NE, on the Secretary of State's behalf, has four weeks within which to issue a direction requiring amendments to the scheme, or to issue a notice requiring more time for consideration. In the absence of such intervention, the revised scheme can take effect subject to the recommendations of this report being appropriate. Once it takes effect, the revised LDS will be made available for public inspection and will be published on the Council's website.

## **9.0 Reason for Decision**

9.1 To provide a programme for bringing forward the Local Development Framework for the City.

## **10.0 Alternative Options**

10.1 The City Council has a statutory duty to prepare and revise a Local Development Scheme consequently no alternative options can be recommended.

## **11.0 Financial Implications**

11.1 No specific costs have been identified with regard to the delivery of the programme at this stage. Document printing and publicity, public consultation and public examination will incur expenditure in due course, which will be met from existing delegated budgets. The need to commission external consultants for specialist advice for example, for a sustainability appraisal and for other topic expertise has also been taken into account.

## **Background Papers**

City of Sunderland: Annual Monitoring Report December 2008

PPS12: Local Spatial Planning CLG July 2008

Report to Cabinet 11<sup>th</sup> July 2007

City of Sunderland: Core Strategy - Preferred Options December 2007

City of Sunderland: Housing Allocations – Issues and Options October 2007

City of Sunderland: Local Development Scheme March 2007

City of Sunderland: Core Strategy Issues and Options October 2005

City of Sunderland: Local Development Scheme March 2005

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## ANNEX 1 – LOCAL DEVELOPMENT SCHEME 2009: KEY MILESTONES<sup>1</sup> (Provisional dates)

DOCUMENT	STAGE	PREVIOUS PROGRAMME	REVISED PROGRAMME (PROVISIONAL)
<b>Statement of Community Involvement</b>	Consultation on Draft SCI	Completed	<b>Spring 2009</b>
	Consideration of responses		(awaiting new regulations to determine actual programme for SCI revision)
	Adoption	Completed (November 2007)	
<b>Core Strategy</b>	Consultation on Scope of Sustainability Appraisal <sup>2</sup>	Not Applicable <sup>3</sup> (New Requirement)	June 2009
	Publication	Not Applicable (New Stage)	July 2010
	Submission	October 2008	December 2010
	Adoption	March 2010	November 2011
<b>Allocations DPD (Including Housing)</b>	Consultation on Scope of Sustainability Appraisal <sup>2</sup>	Not applicable <sup>3</sup> (New Requirement)	June 2009
	Publication	Not Applicable (New Stage)	February 2012
	Submission	March 2010	August 2012
	Adoption	Sept 2011	June 2013
<b>Hetton Downs Area Action Plan</b>	Consultation on Scope of Sustainability Appraisal	Not applicable <sup>3</sup> (New Requirement)	Programme to be determined against emerging issues for example impact of school places rationalisation.
	Submission to S of S	July 2008	
	Examination	March 2009	
	Adoption	January 2010	

### Notes

<sup>1</sup> PPS12 (2008)

<sup>2</sup>The consultees are Natural England, English Heritage, Environment Agency

<sup>3</sup>Not included in 2007 LDS - Consultation had already taken place in 2005

