

North Tyneside Council Report to Cabinet 13 October 2014

ITEM 6(h)
North Tyneside Local
Development Scheme,
Update 2014

Portfolio(s): Housing and Environment

Cabinet Member(s): Cllr. John Harrison

Service Area: Environment and Leisure

Report Author: Phil Scott – Head of Environment and Leisure **Tel:** (0191) 643 7295

Wards affected: All

PART 1

1.1 Purpose:

The purpose of the report is to provide an update on the actions to date within the current Local Development Scheme (LDS) approved by Cabinet June 10th 2013, and to seek approval to update the LDS including a revised timetable for production of the North Tyneside Local Plan. The revised timetable includes the additional consultation that we have chosen to do and the need to ensure the evidence base is sound.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) agrees the revised Local Plan timetable as detailed in Section 1.5.13 of this report;
- (2) approves the updated Local Development Scheme (LDS 2014, Appendix 1); and
- (3) delegates authority to the Head of Environment and Leisure, in consultation with the Cabinet Member, Housing and Environment and Head of Law and Governance, to publish the updated Local Development Scheme incorporating the work programme, issue updates on the adherence to the programme as set out in this report, and publish amendments to the Local Development Scheme programme where these do not affect the overall timeframe for delivery of the documents programmed.

1.3 Forward plan:

This report appears on the Forward Plan for the period 8th September to 30th November 2014.

1.4 Council plan and policy framework

- 1.4.1 The Local Development Scheme sets out the programme of work for production of the Authority's Development Plan Document, commonly referred to as the Local Plan, and other Supplementary Planning Documents, which will support all outcomes of the 2014/2018 Our North Tyneside Plan:
- Our people
 - Our places
 - Our economy
 - Our partners
- 1.4.2 The Local Plan is part of the Authority's Policy Framework and as such is subject to the Budget and Policy Framework Procedures and will therefore be progressed in accordance with those rules.

1.5 Information:

Local Development Scheme and the Local Plan

- 1.5.1 The Authority is required by law to prepare and publish a Local Development Scheme (LDS). An LDS is key to ensuring that the process of preparing an Authority's Local Plan is legally compliant and can be adopted. Once adopted the Local Plan will provide a key policy tool to protect North Tyneside from inappropriate development and positively direct the development required to provide jobs and homes for its residents to the most suitable and sustainable locations. Currently North Tyneside does not have an up-to-date development plan, and because of this proposals for development the Authority may wish to refuse are more likely to be permitted through appeal.
- 1.5.2 An up-to-date Local Plan will also have a central role in ensuring the Authority can require necessary infrastructure improvements from development and secure contributions from development either through Planning Obligations or the Community Infrastructure Levy.
- 1.5.3 In developing a Local Plan, the Authority must go through a number of stages of preparation and public consultation. It is the LDS that sets out what that process will be in each local authority and the timetable for each key stages of public consultation. The final stage of Local Plan production is an examination in public. At this examination, an Inspector will consider the processes and stages of Local Plan preparation; the robustness of the evidence used to inform the Local Plan; and the manner in which responses to the consultations have been taken into account in formulating the proposals, before concluding whether or not the Plan is sound and can be formally adopted.
- 1.5.4 Compliance with the LDS programme for producing the Local Plan must be demonstrated at the examination if the Local Plan is to be found sound. If the Local Plan is not found sound it would require further work to be done at additional cost and delay the adoption of the final Plan with consequent reputational risks.
- 1.5.5 Once an LDS is published and comes into effect, the Authority's Local Plan 'Annual Monitoring Report' (published in December of each year) formally reports on progression of the Local Plan against the key milestone dates contained within the LDS. In the event of any slippage against the adopted LDS, the Annual Monitoring report would detail recommendations as to how this would best be addressed. Ultimately, this could impact on the LDS in place at that time. Paragraphs 1.5.16 to 1.5.18 detail how the management of any changes to the LDS would be made.

Progress against the adopted Local Development Scheme (2013)

1.5.6 North Tyneside's current Local Development Scheme (LDS 2013) was approved by Cabinet June 10th 2013. This identified the production of a single Development Plan Document (DPD) for North Tyneside, the North Tyneside Local Plan, merging the previous attempted production of a Borough-wide Core Strategy, and Area Action Plans for Wallsend, North Shields and the Coast, into a single document.

1.5.7 The LDS 2013 set out the following programme and timetable for production of the Local Plan.

Stage – Local Plan Production	Local Development Scheme Timetable 2013
Local Plan Consultation Draft	October 2013
Cabinet/Council consideration of Publication Draft (requires approval by Council)	Mar 2014 to Sep 2014
Publication Draft Formal Consultation	Nov to Dec 2014
Submission to the Secretary of State	February 2015
Examination in Public	May 2015
Adoption	November 2015

1.5.8 To date publication and public engagement on the Local Plan Consultation Draft has been carried out in accordance with the above timetable. This Consultation Draft was prepared in consultation with and following the recommendations of Overview and Scrutiny Committee at its meeting of 2nd September 2013, and considered and approved by Cabinet on 14th October 2013. It was published on the 6th November 2013 and public consultation concluded on the 6th January 2014.

1.5.9 The Local Plan Consultation Draft 2013 was based on a determination by the Authority to listen to the views of all and provided residents and stakeholders with an opportunity to consider and respond on a wide range of alternatives for the volume of housing growth and the full range of potential development sites that might be appropriate to meet the growth requirements.

1.5.10 Before preparation of the final 'Publication Draft' Local Plan, we have recognised the benefit of a further, additional stage of public consultation to identify the Authority's preferred development sites and growth options. This will ensure that the preparation of the Local Plan can clearly demonstrate engagement by the Authority with residents and stakeholders on alternative options and the preferred strategy for growth and development. At an Examination in Public an Inspector would also check that the Local Plan has emerged from an open and transparent process that demonstrates on what basis alternative options have been considered and discounted and how the preferred strategy was reached.

1.5.11 The Authority has also been working to ensure that the Local Plan is based on the best and most up to date evidence so that the right decisions can be taken and it can provide a strategy to meet North Tyneside's needs for homes and jobs whilst providing an attractive, safe and sustainable Borough. The Local Plan must set out a locally derived Objectively Assessed Need; this is an evidence based assessment of the level of housing, employment and retail growth. Determining the Objectively Assessed Need has come under particular scrutiny at the examination stage of other Plans since the introduction of the National Planning Policy Framework in 2012. Formal guidance for establishing a local need for housing and employment growth was published within the National Planning Guidance in March 2014, and additional guidance on establishing Objectively Assessed Need was published in July 2014 by the Planning Advisory Service.

1.5.12 To ensure that the North Tyneside Local Plan is based on suitable, robust and justified evidence, further work has therefore been required during 2014. This has included support for the proposed housing and employment growth in the Local Plan including strengthening the Employment Land Review, producing more specific and detailed North Tyneside Population and Household Forecasts, and completing the preparation of the Strategic Housing Market Assessment. Completion of all of these documents, in accordance with the most recently published Planning Guidance, is central to ensuring the Local Plan addresses the Authority's Objectively Assessed Need for growth.

Proposed Update of the Local Development Scheme

1.5.13 It is proposed to update the Local Development Scheme through revising the development programme for the Local Plan to include an additional stage of public consultation on the preferred options and to account for the time required to strengthen the Borough's evidence base. The following table sets out the proposed revised Local Plan timetable.

Local Plan Stages	Original Local Development Scheme Timetable 2013	Proposed update for Local Development Scheme Timetable 2014
Local Plan Consultation Draft	October 2013	November 2013
<i>Consideration of Further Consultation Draft as part of the Budget & Policy Framework</i>	<i>Not included in LDS 2013</i>	December 2014 to February 2015
Overview & Scrutiny (Pre-Scrutiny)		December 2014
Cabinet (<i>Initial Proposals</i>)		January 2015
Overview and Scrutiny		February 2015
<i>Further Consultation Draft to consult on preferred options</i>		February to March 2015
Consideration of Final Publication Local Plan as part of the Budget and Policy Framework	Mar 2014 to Sep 2014	February 2015 to July 2015
Overview and Scrutiny		July 2015
Cabinet		July 2015
Full Council – if Council do not accept Cabinet's Final Proposals the plan can be referred back to Cabinet for further consideration.		July 2015
Publication of the Local Plan and formal pre-submission engagement	Nov to Dec 2014	Aug to Oct 2015
Submission to the Secretary of State	February 2015	November 2015
Examination in Public	May 2015	February to March 2016
Adoption	November 2015	July/August 2016

- 1.5.14 The overall impact of the further work will result in the adoption of the Local Plan later than in the previous timetable. The proposed timetable will now enable consultation and evidence gathering based on best practice and guidance published over the last 12 months. The programme will ensure the Authority has the time to respond to the issues raised and strengthen the likelihood of North Tyneside's Local Plan being found sound on examination.
- 1.5.15 The Local Development Scheme also details other formal planning policy documents in addition to the Local Plan. As these documents are specifically linked to the preparation of the Local Plan, their production timetables will therefore require updating and a revised timetable for their proposed adoption is set out below.

Other Planning Documents	Adoption LDS 2013	Proposed Adoption LDS 2014
Local Register Supplementary Planning Document (SPD)	March 2016	December 2016
Design Quality SPD	March 2016	December 2016
Transport and Highways SPD	March / April 2014	February 2015
Planning Obligations SPD	September 2015	August 2016
Community Infrastructure Levy	November 2015	August 2016
Weetslade Development Brief SPD	June 2016	Discussions ongoing with all stakeholders on timing and need for review.

Management of minor amendments and monitoring adherence to the Local Development Scheme

- 1.5.16 The Localism Act 2011 requires that Authorities publish up to date information about the progress of development plan documents and adherence to the programme approved by the Authority.
- 1.5.17 The Local Development Scheme programme is a robust assessment of when each stage of the Local Plan is capable of being brought forward. Some flexibility will be required in the programme, for example in the detailed programming of specific consultation events, or where new national policy or guidance that must be considered is published. Also following submission of the Local Plan to the Secretary of State, the programme for Examination in Public and adoption will require agreement with the Planning Inspectorate.
- 1.5.18 Where more significant changes arise that would alter the overall programme for preparing the Local Plan, and must be addressed to ensure the Local Plan is sound and capable of adoption, it will be necessary to prepare a revision to the Local Development Scheme and seek Cabinet approval.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1 Approve the recommendations contained in paragraph 1.2 of this Report;

Option 2 Approve the updated Local Development Scheme work programme but with modifications to the documents to be produced or the timetable for their production;

Option 3 Decline to approve the recommendations in paragraph 1.2 of this Report.

1.7 Reasons for recommended option:

Option 1 is the recommended option. The Local Development Scheme needs to be revised to ensure that the North Tyneside Local Plan is based on suitable, robust and justified evidence and that public consultation on the preferred options should be a transparent process that demonstrates how the preferred strategy was selected in consultation with the public and other stakeholders. The documents contained in the programme are either required by statute or, where discretionary, reflect the priorities of the Council relating to infrastructure provision, design, heritage, sustainability and transport issues.

1.8 Appendices:

Appendix 1 – Local Development Scheme 2014

1.9 Contact officers:

Martin Craddock, Senior Planning Officer (0191 643 6329)
Jackie Palmer, Planning Manager (0191 643 6336)
Neil Cole, Planning Policy Manager (0191 643 6326)
Catherine Lyons, Regulatory Services Manager (0191 643 7780)
Alison Campbell, Financial Business Manager (0191 643 7038)
Louise Watson, Senior Manager, Legal Services (0191 643 5325)

1.10 Background information:

- 1 [Planning and Compulsory Purchase Act 2004.](#)
- 2 [Planning Act 2008.](#)
- 3 [Localism Act 2011](#)
- 4 [Town & Country Planning \(Local Planning\)\(England\) Regulations 2012.](#)
- 5 [National Planning Policy Framework 2012.](#)
- 6 [North Tyneside Local Development Scheme 2013](#) and [Report](#)
- 7 [Local Plan Consultation Draft, November 2013](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The staff and resources required to prepare the documents included within the Local Development Scheme will be met from within existing revenue budgets.

The Local Plan, which would be the Authority's Development Plan for the area, is part of the Authority's Policy Framework and subject to the Policy Framework Procedure Rules. The Local Plan will represent a longer term vision for the Borough as a whole and each local area, and as such is aspirational. As elements of the proposals within the Local Plan come forward to be included in Budget proposals the financial implications will be costed and details included for approval within the Financial Planning and Budget process.

2.2 Legal

The Planning and Compulsory Purchase Act 2004 (and the accompanying Town and Country Planning (Local Planning) (England) Regulations 2012) and the Localism Act 2011 require the Authority to prepare development plan documents and prepare and maintain a Local Development Scheme, including a Monitoring Report.

The Local Plan forms part of the Authority's Policy Framework and is required to be formulated and progressed in compliance with the requirements of the Policy Framework Procedure Rules at section 4.7 of the Authority's Constitution.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Engagement has been undertaken with the Cabinet Members and the Senior Leadership Team in the preparation of the proposed timetable for work.

2.3.2 External Consultation/Engagement

There is no formal requirement for external consultation on the Local Development Scheme as it simply sets out the range of documents and programme of production of Development Plan documents, which includes external consultation on the content of those documents.

2.4 Human rights

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

2.5 Equalities and diversity

There are no direct implications as the Local Development Scheme is a work programme only for the production of policy documents that in each case will be subject to Equality Impact Assessment as appropriate.

2.6 Risk management

The risks associated with the preparation and engagement on the Local Plan has previously been assessed. The risks identified have been added to the relevant risk register. They will be managed using the Authority's risk management process.

These include:

- changes in Authority priorities and available resources;
- capacity of external agencies and bodies to contribute to document preparation, especially with supporting evidence;
- the nature of representations received on emerging Local Development Documents;
- the views of the Planning Inspectorate in holding Examinations into Development Plan Documents;
- changes in the law or National Planning Policy.

If there is a delay to the agreed work programme:

- desired development may be delayed or abandoned due to further uncertainty;
- coordination of development and infrastructure would be more difficult; and
- Public and other stakeholders may lose confidence in the plan making process.

The proposed recommendations of this report specifically manage the potential risk of the Planning Inspectorate finding the development plan documents unsound, which would lead to further cost and delay for the Authority.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

The report refers to the work programme for the preparation of a Local Plan and as such has no direct implications for the environment and sustainability. The policies and proposals of the Local Plan will address objectives relating to the environment and wider sustainability issues and as they are developed will be subject to Sustainability Appraisal and robust consideration of their implications for the environment and sustainability.

PART 3 - SIGN OFF

- Deputy Chief Executive x
- Head(s) of Service x
- Mayor/Cabinet Member(s) x
- Chief Finance Officer x
- Monitoring Officer x
- Head of Corporate Strategy x