

North Tyneside Council Report to Cabinet Date: 17 October 2016

ITEM 7(e)
Title: North Tyneside Local
Development Scheme

Portfolio(s): Housing and Transport

Cabinet Member(s): Cllr. John Harrison

Report from Service Area: Environment, Housing and Leisure

Responsible Officer:

Phil Scott – Head of Environment,
Housing and Leisure

Tel: (0191) 643 7295

Wards affected:

All

PART 1

1.1 Executive Summary:

The Authority, as a local planning authority, is required by law to prepare, publish and keep up-to-date a Local Development Scheme (LDS). The LDS sets out what planning policy documents the Authority intends to prepare within the next 3 years.

The LDS is required to be monitored and where changes to the timetable are required to be made, these need to be approved by Cabinet. This report seeks approval for amendments to be made and for delegated authority to be given to approve future variations to the timetables.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) approves the updated Local Development Scheme 2016 attached as Appendix 1; and
- (2) authorise the Head of Environment, Housing and Leisure in consultation with the Cabinet Member for Housing and Transport, the Deputy Mayor and the Head of Law and Governance to monitor progress of the Local Development Scheme and approve any future variations to the timetables for the stated supporting documents to the Local Plan.

1.3 Forward plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 19th September 2016.

1.4 Council plan and policy framework:

The Local Development Scheme sets out the timetable for the production of the Authority's Local Plan and its other supporting documents. Collectively, these are key mechanism to delivering a number of the objectives of the Council Plan "Our North Tyneside Plan 2016-19", including:

- Our people will be listened to, and involved by responsive, enabling services;
- Our places will be great places to live, and attract others to visit or work here;
- Our economy will grow by building on our strengths and having the right skills and conditions to support investment; and
- Our partners include police, fire and rescue, NHS, the voluntary sector, schools and businesses.

1.5 Information:

1.5.1 Background to Review the Current Local Development Scheme

The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008 and Localism Act 2011) requires local planning authorities such as North Tyneside Council to prepare and keep up to date a Local Development Scheme (LDS).

The purpose of the LDS is to set out what planning policy documents the Authority is currently drafting and those it intends to prepare over the next 3 years.

The current LDS was approved by Cabinet in July 2015 and was published shortly thereafter. Progress of developing the various planning documents that feature within the LDS is monitored at two levels:

- Through the formal 'Authority Monitoring Report' prepared in December of each year (the last Report was published in December 2015); and
- More regularly through the Local Plan Steering Group (established by Cabinet in July 2015).

Since July 2015 the Local Plan, being the primary planning policy document, has been submitted to the Secretary of State in accordance with the timetable together with a comprehensive body of evidence. The

Examination in Public to be overseen by an independent Planning Inspector is due to commence in November 2016 and adoption is anticipated in spring 2017. It is considered that there is presently no need to review the LDS in this regard (though future timescales will be determined by the outcome of the forthcoming Examination).

Through the work overseen by the Local Plan Steering Group in 2016, it has been identified that the LDS now requires updating and amendment. This is to reflect:

- Work on the Local Plan that has been successfully achieved; and
- The specific need to revise the respective timetables for the suite of supporting ancillary planning policy documents contained within the existing LDS.

This exercise has concluded that the development of the following supporting documents needs to be re-programmed:

- The 'Planning Obligations' and 'Community Infrastructure Levy' Supplementary Planning Documents – an indicative programme suggested their adoption in December 2016 and March 2017 respectively. This was qualified against the outcome of an appraisal for the potential to introduce a Community Infrastructure Levy. This exercise has now concluded and it is proposed to deliver both documents in parallel by December 2017. This timetable reflects the close interdependencies between each and the formal prescribed stages the Community Infrastructure Levy must pass through prior to formal adoption (including an independent Examination);
- The 'Transport and Highways' Supplementary Planning Document (SPD) - At the time of revising the last LDS, the Transport and Highways SPD was being considered by the Authority's Cycling Sub Group and the specific programme was still to be confirmed. A revised document, that includes the Cycling Sub-Group's recommendations, has since been re-consulted upon (between May and June 2016). It is now programmed for adoption in November 2016; and
- The 'Local Register of Buildings and Parks' and 'Design Quality' SPDs - were both originally scheduled for introduction in December 2016. It is now proposed to deliver both documents by February 2018. This is reflective of the need to direct all available resources towards delivery of the Local Plan.

Collectively, development of these supporting planning policy documents will assist in the effective delivery of the Local Plan's key policies and proposals.

The existing LDS refers to the preparation of the Weetslade Development Brief Supplementary Planning Document. Given the site is now being

actively marketed for employment uses and its access is being delivered, it is considered there is no longer a requirement to review this document.

Table 1 summaries the proposed revised timetable for LDS.

Table 1 : Summary of the Proposed Revised LDS

Document	Publication & Formal Engagement	Submission	Examination	Adoption
Local Plan	Nov '13-Jan '14 Feb – Mar '15 Nov-Dec '15 (completed)	June '16 (completed)	Nov '16	Mar '17*
Community Infrastructure Levy	Jan-Feb '17 & May-June '17	July '17	Sept. '17	Dec '17
Planning Obligations SPD	May-June '17	Not required for SPDs		Dec '17
Local Register of Buildings and Parks SPD	Nov-Dec '17			Feb '18
Design Quality SPD	Nov-Dec '17			Feb '18
Transport and Highways SPD	Feb-Mar '15 & May-June '16 (completed).			Nov '16

* Subject to the Planning Inspector

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1 - Agree with the recommendations as set out at paragraph 1.2 of this report.

Option 2 - Agree with the recommendations set out at paragraph 1.2 but request officers consider an alternative LDS timetable for preparation of the supporting planning documents to the Local Plan.

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

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The documents and the timetables set out in the revised Local Development Scheme reflect the priorities of the Council relating to infrastructure provision, design, heritage, sustainability and transport issues.

1.8 Appendices:

Appendix 1 - Draft Local Development Scheme October 2016

1.9 Contact officers:

Jackie Palmer, Planning Manager (0191 643 6336)
Neil Cole, Planning Policy Manager (0191 643 6326)
Martin Craddock, Senior Planning Officer (0191 643 6329)
Catherine Lyons, Regulatory Services Manager (0191 643 7780)
Colin MacDonald, Senior Manager, Technical & Regulatory Services (Tel: 0191 643 6620)
Alison Campbell, Senior Business Partner (0191 643 7038)

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the officer of the author.

- 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 [North Tyneside Local Development Scheme 2015](#) and [Cabinet Report \(July 2015\)](#)
- 6 [North Tyneside Local Plan Pre-Submission Draft \(2015\)](#)
- 7 [North Tyneside Council Authority Monitoring Report 2014/15](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The staff, printing, and other costs to produce the Local Plan and its supporting documents will be met where possible from within the existing Authority budgets and the costs of inspection will be met from the £0.12m held in Local Plan Reserve in the Authority's Balance sheet for that purpose.

The Development Plan is part of the Authority's Policy Framework and subject to the Policy Framework Procedure Rules. The Local Plan represents a longer term vision for North Tyneside and areas within the Borough and some of the elements are aspirational. As these elements come forward, 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.

In approving (and publishing) the proposed revisions to the Local Development Scheme, as detailed within this report, the Authority will have complied with its legal obligations.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Engagement has been undertaken with the Local Plan Steering Group 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 directly arising from this report.

2.6 Risk management

The risks associated with the delivery of the Local Development Scheme are kept under review by the Local Plan Steering Group, established by Cabinet in July 2015 and are monitored via the strategic and operation risk registers for both the Authority and the Technical Services Partnership.

2.7 Crime and disorder

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

2.8 Environment and sustainability

Whilst there are no direct environment and sustainability implications arising from this report, promoting sustainable development is an explicit requirement of the planning system. As each document set out in the LDS is brought forward, it will be subject to the formal Sustainability Appraisal & Strategic Environmental Appraisal processes as required by European Directive 2001/42/EC (the SEA Directive) and the Planning and Compulsory Purchase Act 2004.

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

Local Development Scheme

October 2016



North Tyneside Council

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information, and any queries relating to the Local Development Scheme please contact the Planning Policy Team at:

Tel: 0191 643 2310

Fax: 0191 643 2426

Email: planning.policy@northtyneside.gov.uk.

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North Tyneside Council,
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1. Introduction

The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008 and Localism Act 2011) requires local planning authorities such as North Tyneside Council to prepare and keep up to date a Local Development Scheme (LDS).

The purpose of the LDS is set out what planning policy documents the Council; is currently drafting and those it intends to prepare over the next 3 years.

This LDS replaces the Council's previous version published in July 2015. As North Tyneside moves towards the adoption of its Local Plan, this LDS will provide local residents and stakeholders information about:

- The other supporting documents the Council will prepare;
- The subject matter and geographical area to which these documents relate; and
- The timetable for their preparation and adoption.

2. Background to The Various 'Plan Making' Documents

Local planning authorities can produce a range of 'plan making' documents to influence directly and indirectly the future development of an area.

At the heart of the planning system is the need for all councils to produce a 'development plan' for their area. The development plan sets out the long term blueprint for future development and acts as the starting point to determine day to day planning applications.

Ideally, this should take the form of what is now commonly known as a single '**Local Plan**'. However, where appropriate, councils can choose to produce more than one document that collectively makes up the Local Plan.

Under the Localism Act 2011, **Neighbourhood Plans** can be produced by any groups or organisations that are designated as a "Neighbourhood Forum" by the Council and guided by Schedule 9 of the Localism Act 2011.

Production of a neighbourhood plan for an area would be to provide detailed guidance on specific issues. These will be subject to independent examination and a local referendum. If approved at the referendum then the Council will bring the neighbourhood plan into force. The neighbourhood plan would then provide the starting point to determine planning applications for that particular area. Given that Neighbourhood Plans are prepared by communities and not the Council it is not appropriate for the LDS to specify when, or for where, they will be produced.

Councils can also choose to prepare **Supplementary Planning Documents (SPDs)**. These can supplement the policies in the adopted Development Plan, for example to provide more details to assist developers make successful applications. An SPD does not override the Development Plan

policies but is a material planning consideration when determining relevant planning applications.

The **Community Infrastructure Levy (CIL)** allows authorities to raise funds from developers undertaking new building projects. Monies raised from CIL can be used to fund a wide range of infrastructure, including road schemes, flood defences, schools, health, social care and leisure facilities. While CIL does not have the same status as the Local Plan, it does need to be examined by an independent Examiner. CIL needs to be based on the infrastructure requirements arising from the proposals from an up-to-date development plan supported by an Infrastructure Delivery Plan.

Furthermore, the Council is required to prepare the following documents :

- The **Statement of Community Involvement (SCI)** – which sets out how, through engagement, the Council will involve local communities in the both the preparation of the Local Plan and other related documents and in relation to the determination of planning applications; and
- The **Authority Monitoring Report (AMR)** – which is updated annually. It reports on : the progression of the various documents against the LDS timetables; the effectiveness of the local plan policies when considered against a range of measures and indicators; compliance with the Duty to Cooperate; information on CIL where it has been introduced; and information on any Neighbourhood Development Orders or Neighbourhood Plans that are in place.

3. The Adopted Planning Policy Documents in North Tyneside.

The following provides a short summary of the range of existing planning policy documents in place within the Borough. As detailed in the next section, a number of these documents are programmed to be reviewed.

Web links to the following documents are included in Appendix 1.

The North Tyneside Unitary Development Plan (2002)

The current adopted development plan for the Borough is the North Tyneside Unitary Development Plan. Adopted in 2002, the majority of its policies were legally saved in September 2007.

Future Status : The North Tyneside Local Plan has now been submitted for examination and it is anticipated that it will be formally adopted in March 2017. On adoption, the Local Plan will fully replace the saved Unitary Development Plan policies. The Local Plan will be supported by a 'Policies Map' illustrating the relevant policies and proposals on a geographical area.

Until the Local Plan is formally adopted, the saved Unitary Development Plan policies will continue to be applied in so far as they are consistent with the National Planning Policy Framework (2012).

The North Tyneside Statement of Community Involvement (2013)

The last version of the Statement of Community Involvement was formally adopted in 2013. It was updated to take into account legislative changes to the planning process (ie the Localism Act, 2011 and publication of the National Planning Policy Framework).

Future Status : The potential need to amend the Statement of Community Involvement will be kept under review should there be any further changes to national guidance or policy that would require changes to the SCI. At this time, a review of the SCI is not deemed necessary.

Local Register of Buildings and Parks SPD (2008)

The purpose of the Local Register SPD is to provide detailed information on those buildings and parks that are of special local architectural and historic interest although not appearing on the national statutory lists.

Future Status : The existing Local Register SPD (2008) requires review because:

- There have been changes in legislation and national policy since its adoption, and
- At present, it adds detail to policies in the existing Unitary Development Plan which is to be replaced by the more up to date Local Plan policies.

Design Quality SPD (2010)

The purpose of the Design Quality SPD is to ensure the delivery of sensitive and appropriately designed sustainable development, and provide further guidance on the application of the Code for Sustainable Homes and CAFE Building for Life criteria. It applies to the whole Borough.

Future Status : The existing Design Quality SPD (2010) requires review because:

- There have been changes in legislation, national policy and design guidance since its adoption, and
- At present, it adds detail to policies in the existing Unitary Development Plan which is to be replaced by the more up to date Local Plan policies.

Transport & Highways SPD (2010)

The purpose of the Transport and Highways SPD is to set out details of how appropriate measures will be secured to respond to the transport implications of new developments, including requirements for drainage, Travel Plans, and cycle and car parking.

Future Status : The existing Transport and Highways SPD (2010) requires review prior to the adoption of the Local Plan because there have been changes in legislation and national policy since its adoption.

Planning Obligations SPD (2009)

The purpose of the Planning Obligations SPD is to provide Borough wide guidance relating to the process the Council intends to follow in assessing whether new development is required to make financial or in-kind

contributions to mitigate environmental, social, cultural and economic impacts arising from development proposals.

Future Status : The existing Planning Obligations SPD will require replacement given there have been changes in legislation and national policy since its adoption, especially related to the introduction of the Community Infrastructure Levy and the Council’s decision to proceed with CIL (see Section 4).

Weetslade Development Brief SPD (2007)

The purpose of the Weetslade Development Brief SPD is to provide comprehensive guidance for the development of this major existing employment land allocation, suited particularly for development of storage and distribution uses at the Northern Gateway (A1056). It takes into account issues of environmental mitigation, highway improvement and access.

Future Status : Access to the site is currently being delivered and the site is now being actively promoted. There is no need to undertake any further review of this SPD as set out in the previous the LDS.

Fish Quay Neighbourhood Plan SPD (2013)

The Fish Quay and New Quay Conservation Areas were chosen by central Government to be a Neighbourhood Planning Frontrunner, one of only 17 across the country. This project commenced prior to the formal introduction of the Neighbourhood Plans and therefore can only carry the status of an SPD. The community of the area, consisting of local residents, business owners and land owners, came together to set out a vision for the area that focuses on its potential to be a vibrant mixed-use area that thrives on its fishing industry, social and leisure facilities, businesses and residential community.

Future Status : The potential need to amend this SPD will be kept under review. At this time, no alterations are deemed necessary.

4. Planning Policy Documents To Be Prepared (2016-2019).

As part of maintaining an up to date and robust planning framework for the Borough, the tables below set out the delivery programmes for those planning policy documents the Council intends to bring forward over the next three years.

Development Plan Documents (DPDs)

The North Tyneside Local Plan and Policies Map	
Adoption Status	Submitted for Examination
Purpose	<p>The production of a borough-wide Local Plan is intended to address the strategic priorities for North Tyneside and will tackle particular issues of regeneration and investment. The Local Plan will set out a vision and spatial strategy for the whole Borough to 2032. It will include:</p> <ul style="list-style-type: none"> ▪ Policies and proposals for the amount, distribution and location of development for housing, strengthening the local economy,

	regeneration of the riverside, revitalisation of town centres and for other uses; <ul style="list-style-type: none"> ▪ Policies relating to the provision of infrastructure (including transport and waste management) and community facilities, to the natural and built environment, including the coast, and relating to climate change; ▪ Proposals for key development sites and priority areas including North Shields, Wallsend the Coast including Tynemouth in the south, Cullercoats, Whitley Bay town centre and as far north as St Mary's Island, and the North West of the Borough. 	
Geographical Coverage	Borough wide	
Timetable * The precise timing of adoption will be dependent upon the issues raised at the examination and the timescales for the Inspector to submit his report.	Local Plan Consultation Draft	Nov 2013 (complete)
	Complete preparation of Further Consultation Draft	Dec 2014 (complete)
	Further Consultation Draft to consult on preferred options (Regulation 18)	Feb to March 2015 (complete)
	Pre-Submission Draft of the Local Plan and formal engagement (Regulation 19)	Nov-Dec 2015 (complete)
	Submission to Secretary of State (Regulation 22)	June 2016 (complete)
	Examination in Public (Regulation 24)	Nov-Dec 2016
	Adoption	March 2017*

Community Infrastructure Levy Charging Schedule

Community Infrastructure Levy Charging Schedule		
Adoption Status	In preparation – to be adopted after the Local Plan. The CIL Charging Schedule will not form part of the development plan, but will be subject to consultation and independent examination as if it were a DPD.	
Purpose	To set a standard up front and non-negotiable charge to be paid by developers, levied on the basis of the additional area of development proposed. CIL will not replace the role of Planning Obligations/Section 106 Agreements entirely (see below).	
Geographical Coverage	Borough wide. As part of its preparation, consideration will be given to whether it is appropriate to apply a standard charge across the whole borough or set different rates for different parts of the Borough.	
Timetable * The precise timing of adoption will be dependent upon the issues raised at the examination and the timescales for the Inspector to submit their report.	Completion of the CIL evidence base	Nov - Dec 2017
	Preliminary Draft Charging Schedule Consultation (Reg 15)	Jan - Feb 2017
	Draft Charging Schedule Consultation (Reg 16 and 17)	May - June 2017
	Submission to CIL Examiner	July 2017
	CIL Examination	Sept 2017
	Adoption	Dec 2017*

Supplementary Planning Documents (SPDs)

Planning Obligations SPD	
Adoption Status	In preparation
Geographical Coverage	Borough wide
Purpose	To review the existing Planning Obligations SPD in tandem with the development of the Community Infrastructure Levy Charging Schedule. This will provide an up to date and coherent mechanism to address developer contributions.

	This revised SPD will explain in detail how planning obligations will co-exist alongside CIL.	
Timetable	Preparation, including informal consultation	Nov 2016 - May 2017
	Formal consultation on draft SPD	May - June 2017
	Adoption	Dec 2017

Local Register of Buildings and Parks SPD		
Adoption Status	Work not commenced	
Geographical Coverage	Borough wide	
Purpose	To review the schedule of those buildings and parks on the extant Register and to consider nominations for new entries. Aligned to national policy and the relevant emerging Local Plan policies, the SPD will provide detailed and up to date information on those buildings and parks considered to be of special local architectural and historic interest.	
Timetable	Preparation, including informal consultation	Aug -Oct 2017
	Formal consultation on draft SPD	Nov – Dec 2017
	Adoption	Feb 2018

Design Quality SPD		
Adoption Status	Work not commenced	
Geographical Coverage	Borough wide	
Purpose	To ensure the delivery of sensitive and appropriately designed sustainable development, and provide further guidance in relation to the relevant emerging Local Plan policies.	
Timetable	Preparation, including informal consultation	Aug – Oct 2017
	Formal consultation on draft SPD	Nov – Dec 2017
	Adoption	Feb 2018

Transport and Highways SPD		
Adoption Status	In preparation – the first draft was formally consulted upon in early 2015. Its adoption was delayed to allow further consideration and integration of the recommendations from the Council’s Cycling Sub-Group. Accordingly a revised draft was re-consulted upon and the appropriate amendments have been included.	
Geographical Coverage	Borough wide	
Purpose	To set out details of how appropriate measures will be secured to respond to the transport implications of new developments, including requirements for drainage, Travel Plans, and cycle and car parking. These will conform to the relevant national planning policies to those of the emerging Local Plan.	
Timetable	Preparation	2014-15
	Formal consultation on draft one of SPD	Feb-Mar 2015 (completed)
	Second formal consultation on revised draft SPD	May –June 2016 (completed)
	Adoption	Nov 2016

Appendix 1: Existing Development Plan and other Planning Policy Documents

Title	Date	To be replaced / reviewed
North Tyneside Unitary Development Plan (UDP)	2002	Certain policies of the UDP have been saved by direction of the Secretary of State in 2007, and remain part of the Development Plan for the time being. They will be replaced or deleted at the adoption of the Local Plan.
Statement of Community Involvement	2013	Currently considered up to date. Need for update to be kept under review.
Fish Quay Neighbourhood Plan	2013	This replaces the Fish Quay/New Quay Conservation Area Management SPD .
Design Quality SPD	2010	To be reviewed
Transport & Highways SPD	2010	To be reviewed
Planning Obligations SPD	2009	To be reviewed
Local Register of Buildings and Parks SPD	2008	To be reviewed
Weetslade Development Brief SPD	2007	No Review Required.

Revoked - North East of England Plan (Regional Spatial Strategy - RSS)	2008	Previously forming part of the development plan for North Tyneside, setting strategic requirements for development, the Regional Spatial Strategy for the North East was revoked in April 2013.
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