

East Staffordshire Local Plan

Planning for Change

Local Development Scheme

Local Development Scheme 2013

1. INTRODUCTION

- 1.1 The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires East Staffordshire Borough Council to prepare, maintain and publish a Local Development Scheme (LDS) for the Borough. The LDS provides relevant stakeholders including organisations with the Council's project plan for the preparation of the new Local Plan. This LDS updates the previous LDS published in June 2010.
- 1.2 This LDS reflects the progress made in preparing the new Local Plan (formerly referred to as the Core Strategy). It provides information on the future Development Plan Documents that the Council intends to produce and the timetable for their production.
- 1.3 The LDS will be published and kept up to date on the Council's website: www.eaststaffsbc.gov.uk/planning/planningpolicy

2. KEY CHANGES TO THE PLANNING SYSTEM

- 2.1 The Localism Act (2011) has changed and reformed the planning system to reflect the localism agenda. One of the key provisions in the Act is the preparation of Neighbourhood Plans. Neighbourhood Plans give local people the opportunity to decide the future of the places where they live and work with a focus on guiding and positively informing development rather than stopping it.
- 2.2 Neighbourhood Plans need to conform to planning policies and guidance at a local, national and European level and meet the Neighbourhood Planning regulations. There is no statutory duty for communities to prepare Neighbourhood Plans, only a right to do so if they wish. East Staffordshire Borough Council has 12 designated Neighbourhood Plan areas as at July 2013 and other parishes are considering designation. The 12 designated Neighbourhood Plans are:

Anglesey, Burton upon Trent
Anslow
Branston, Burton upon Trent
Horninglow & Eton, Burton upon Trent

Rolleston on Dove
Stapenhill, Burton upon Trent
Stretton, Burton upon Trent
Tatenhill

- 2.3 Upon adoption Neighbourhood Plans will become a statutory plan carrying equal weight to the Local Plan¹ and be part of the suite of documents that guide development. This will mean that it will be used in making decisions on planning applications by East Staffordshire Borough.
- 2.4 The Localism Act does not change the basic plan making structure which remains intact with local plans continuing to be at the heart of the planning system. The form and content of each plan will be shaped to a large degree by the National Planning Policy Framework (NPPF).
- 2.5 The NPPF was published on 27 March 2012 and came into immediate effect. It replaces previous national guidance in the form of Planning Policy Statements (PPSs), Planning Policy Guidance Notes (PPGs) and various planning circulars. The NPPF confirms that the planning system continues to be 'plan-led' which means that planning applications have to be determined in accordance with the Development Plan unless material consideration indicate otherwise. The NPPF also confirms that the policies in emerging plans will gather more weight as development plans progress towards adoption.
- 2.6 The revocation of the regional strategy for the West Midlands and the Staffordshire and Stoke-on-Trent Structure Plan came into effect on the 20 May 2013. These documents are no longer taken into account for decision taking purposes.
- 2.7 On publication of this LDS on 8th July 2013, the Development Plan comprises:
- The 'saved policies' of the East Staffordshire Borough Council Local Plan 2006;
 - The 'saved policies' of the Staffordshire and Stoke on Trent Minerals Local Plan 1994-2006 (1999)
 - The Staffordshire and Stoke on Trent Joint Waste Local Plan 2010-2026 (2013)

¹ Neighbourhood Plans have statutory weight and considered to be part of the Development Plan but are not classified as DPD's.

3. THE NEW LOCAL PLAN

3.1 New planning legislation introduced through the Planning and Compulsory Purchase Act 2004 required all local planning authorities to produce a new style of Local Plan, called a Local Development Framework (LDF). In 2011, following the introduction of the Localism Act, planning reforms deemed that the term Local Plan would replace Local Development Framework. Consequently the council's previous references to Local Development Framework (LDF) will be referred to as the Local Plan.

3.2 There is still a requirement to produce a portfolio of documents that either supports Local Plan preparation or are used in the determination of planning applications. In addition to the Local Development Scheme, the portfolio of documents includes the following²:

Type of document	Decision Taking	Support plan preparation	Mandatory
Development Plan Documents (DPDs) incl. Area Action Plans (AAPs)	✓		✓
Supplementary Planning Documents (SPD)	✓		
Statement of Community Involvement (SCI)		✓	✓
Local Authority Monitoring Report (AMR)		✓	✓

3.3 The NPPF states that Local Plans are key to delivering sustainable development and that local authorities should produce a Local Plan for their area. The Local Plan can then be reviewed in whole or in part to respond flexibly to changing circumstances. This LDS is the Council's commitment to the preparation of a new Local Plan which will replace the 'saved' policies of the East Staffordshire Local Plan (2006).

² A glossary of terms is provided in Appendix B of this document.

3.4 Legislation³ clarifies that the term Local Plan applies to DPD's only. The Local Plan is therefore the collection of DPD's which may be one document or it may be several.

3.5 The emerging new Local Plan for East Staffordshire currently comprises a single DPD. The Local Plan will set the context for delivering growth, set out and describe a spatial strategy, present strategic and detailed planning policies to manage change and establish a monitoring framework.

3.6 The Council's Local Plan will be the primary document prepared over the next few years. However, given that the plan is still evolving it is not clear at this stage if further DPD's will be necessary. Whilst the Council will continue to deliver growth through a single Local Plan, in terms of flexibility, the Council has asked itself 'what if things do not go quite to plan'? To demonstrate how the strategy can correct itself if delay occurs to key developments or if the neighbourhood plans are not forthcoming or are delayed, a site allocations DPD may need to be programmed as a vehicle for addressing these delivery issues and give a degree of flexibility. This LDS does not set out the timetable for delivering a site allocations DPD but future revisions of the LDS may refer to it if it becomes clear that one is necessary.

3.7 Supplementary Planning Documents (SPDs) are not part of the Local Plan, nor are they considered to be development plan documents. Therefore, information on their production is not set out within the LDS. Instead, such information can be found on the Council's website. A programme for the development of new SPD's will emerge as the new Local Plan evolves.

4. LOCAL PLAN TIMETABLE

Adoption Target 2014: A full timetable for the production of the Local Plan can be seen in Figure 1. It is important to note that the dates where there is less certainty are indicated in italics.

Coverage: The Borough of East Staffordshire

Conformity: The document will be produced in conformity with the NPPF.

Figure 1: Local Plan Preparation Timetable

Document	Preparation Stage	LDS Target Date (2013)
Local Plan	Issues and Options	Completed: July – Nov 2007
	Strategic Options	Completed: Aug – Sept 2011

³ The Town and County Planning (Local Development) (England) Regulations 2012.
MDDC Report [title]

	Preferred Option Consultation	Completed: July – Sept 2012
	Pre-Submission	October – December 2013
	Responding to consultation responses	December – April/May 2014
	Submission	<i>April/May 2014</i>
	Examination in Public	<i>October 2014</i>
	Adoption	<i>Dec 2014</i>

4.1 Setting out a future timetable is not straight forward. For example the time it takes to move from Pre-Submission to Submission depends upon the level and complexity of objections, and therefore the length of time it will take to process them, which cannot be quantified until after the plan has been consulted upon. At the point of Submission of the plan to the Secretary of State the plan timetable is in the hands of the Planning Inspectorate and will depend upon on a range of factors which are outside of the control of the local authority. These factors include the need for a pre-hearing meeting, the availability of an inspector to examine the plan and the length and complexity of the hearing process.

4.2 Since the publication of the NPPF and the introduction of the Localism Act and a new requirement called 'Duty to Cooperate', there has been a clear slowing down of plan production between Submission and Adoption. This is in response to the uncertainty of the new legislation, its application in the plan making process and how this aspect is being examined by the Inspectorate.

4.3 To arrive at a timetable despite the level of uncertainty associated with plan production the Borough Council has benchmarked the plan progress of other local authorities⁴. The above timetable reflects those benchmark authorities that are more advanced than East Staffordshire albeit prior to the introduction of new guidance set out in the paragraph above.

4.4 Appendix 1 sets out a risk register compiled by the Planning Policy Team which identifies risks to the delivery of the Local Plan. These risks will be kept under review to ensure that risks are addressed quickly if they arise.

4.5 Missed milestones from the previously published LDS in 2010 have been due to various factors including:

- Changes to guidance at a national level particularly the Localism Act and NPPF;

⁴ CIPFA Nearest Neighbours, a few additional authorities that take part in the Council's regular benchmarking and are statistically similar to East Staffordshire and the Staffordshire Districts.

- Delays to the publication of national guidance;
- Uncertainty surrounding the removal of regional planning guidance and the impact it would have on plan preparation; and
- The publication of updates to population and household projections.

5. PROGRESS REPORTING

5.1 The Council produces an Annual Monitoring Report (AMR) each year, covering the 'monitoring year' (of the preceding April-March period). The AMR sets out the list of documents that are included within the LDS, their timetable for preparation, the stage they are currently at, and if they are behind schedule the reasons for this.

5.2 The Council is currently preparing the 2011-12 and 2012-13 AMR which will be posted on the Council's website as soon as it is available.

6. REVIEW OF THE LOCAL DEVELOPMENT SCHEME

6.1 The Planning and Compulsory Purchase Act 2004 (as amended) states that local authorities can revise their LDS at such times as they consider appropriate. The Council's website will be updated to set out if the LDS has been subject to further revision. Proposed changes are subject to ratification by Cabinet.

Appendix A: Risk Register of known main risks to the delivery of the Local Plan

Risk	Likelihood	Impact	Response/Mitigation
Consultants not delivering within agreed timescales.	Low	Medium	<p>Timescales and expectations are clear within the project brief and reinforced at inception.</p> <p>Considerable experience within the policy team of preparing briefs and managing consultants will minimise slippage. Should slippage begin to occur the team's experience will identify the problem quickly and engage with the consultants to find a solution.</p> <p>Additional/alternative external resources would be secured.</p>
Sub consultants not delivering within agreed timescales	Medium	Medium	<p>Appointed consultants will rely on sub consultants for third party information. There are a number of work streams that could involve additional modelling work that might not be known at the start of a project but emerges as the work evolves; examples include water/fluvial/drainage or highways.</p> <p>Mitigating this impact is to appoint consultants that have a good working relationship with statutory stakeholders and have presented a fee proposal which seeks to minimise risks through a good understanding of the project parameters.</p>
Unexpected or unknown issues arising during the preparation of the evidence base or sustainability appraisal which has implications for the Local Plan in particular the Spatial Strategy.	Medium	Medium	<p>Much of the evidence base requires a refresh to update existing information which was based upon a higher housing requirement. It is felt that there shouldn't be any showstoppers however the sites proposed in the Pre-submission plan may in combination raise issues that have never before been tested.</p> <p>It is unknown what may arise or how this will impact upon timescales. The policy team will mitigate this situation by ensuring regular meetings with consultant teams and project managing consultants across the various evidence base disciplines to ensure that new information is disseminated as it becomes available to assist with understanding plan context.</p> <p>At the outset there will also be clear study briefs and inception meetings which will frame the work and timescales required.</p>
Danger of deadlines not being met by internal team.	Medium	High	<p>Clear deadlines agreed with individuals/groups within the team at outset of each task, in line with the Project Plan.</p> <p>Policy team operates a regime of fortnightly team meetings and weekly 1:1 meetings to keep work to</p>

			<p>programme.</p> <p>Management/Portfolio holder will be closely involved in keeping up to date on Local Plan progress which will set overall context and framework.</p> <p>Slippage will be identified early, and interventions made to reallocate team resources, including reallocation of existing external support.</p>
Planning Policy team absences (e.g. sickness, or stress) reducing capacity, and affecting delivery timescales.	Low	Medium/High	<p>Were absences an issue, either reallocated internal resources, or additional external resources would be used temporarily to maintain progress against the programme.</p> <p>Absences within the team are historically very low.</p>
Planning Policy team members leaving the employment of the authority.	Medium	Low/High	<p>It would depend on the member of staff in terms of impact on the work programme. The biggest risk would be for the Planning Policy Team Leader to leave the authority.</p>
Members not making decisions in a timely way.	Medium	High	<p>Close working with management/portfolio holder.</p>
New Planning Policy team members joining the authority that may be unfamiliar with workload and will require training and support, in order to get up to speed.	High	Low	<p>Recruitment will explicitly seek to ensure appointment of new team members who can learn quickly, be self sufficient and can work to challenging deadlines.</p>
Potential for unknown sites to be submitted to the authority late on in the process, and following decision on the spatial strategy.	Low	High	<p>Unknown, but possible and could have a major impact. Experience elsewhere has introduced a delay into work programming which cannot be short-circuited due to procedural/legal processes set out in the Planning and Compulsory Purchase Act/Localism Act/ Local Development Planning Regulations.</p>
Submission of appeals re: strategic greenfield development sites leading to team members dedicating time to support the preparation of appeal statements/proofs/ additional evidence gathering/ preparation and attendance at the hearing.	High	High	<p>Appeals submitted for non-determination/planning refusal submitted from Jan/Feb 2013 onwards.</p> <p>External support could be used to represent the Council at appeal to limit the impact on core Local Plan work.</p> <p>Appeal process will also pre-empt and effectively re-write part of the Local Plan.</p>
Changes to government legislation which requires additional work/changes to existing already programmed work.	Low	Low/Medium	<p>The biggest legislative changes have been published but there is a risk that further guidance and reforms from the Government is prepared which requires additional input. External support can be used to deliver new work or addendums as required.</p>
Other workload that the Policy team may be required to accommodate which is not directly related to the Local Plan but which would divert	Low/Medium	High	<p>Close working with management/portfolio holder to ensure that non-essential work streams are minimised to keep the team to programme.</p>

resources away from core work activity.			
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Appendix B: Glossary

Term	Acronym	Definition
Adoption		The final stage in the preparation of a planning document.
Area Action Plan	AAP	A Development Plan Document (DPD) that may be used by the local planning authority to provide a planning framework for areas of significant change or conservation. Intended to deal with specific areas and specific requirements.
Annual Monitoring Report	AMR	A required report undertaken by a local planning authority that reports on the implementation of the Local Plan and to what extent and effectiveness policies are being achieved.
Development Plan Document	DPD	A term used to describe the statutory components of the Local Plan.
Local Development Scheme	LDS	A public project plan identifying which documents will be produced within the Local Plan, in what order and when.
Local Plan		A term used to describe either a single DPD or a collection of DPD's which together comprise the Local Plan.
National Planning Policy Framework	NPPF	Published in 2012 this document streamlines national guidance into one document.
Statement of Community Involvement	SCI	A document setting out how and when stakeholders and other interested parties will be consulted and involved in the preparation of the Local Plan and development management.
Supplementary Planning Document	SPD	A Supplementary Planning Document can give further guidance on specific policy topic areas such as affordable housing provision, that have been identified in policies embedded within DPD's or give detailed guidance on the development of specific sites in the form of a master plan framework plan or development brief. SPD's are not part of the statutory plan but are a material consideration.