

Local Plan: Revised Local Development Scheme

Supporting documents:

- [Revised Local Development Scheme , item 93. PDF 53 KB](#)

Minutes:

Members read the comprehensive report in respect of the proposed revised Local Development Scheme within the Local Plan. It was noted that Area Action Plans in respect of Princes Risborough and Saunderton were required by early to mid 2017, and needed to be prepared on a faster timetable than the overall Local Plan, in order to address shorter term development pressures arising from the 5 year housing land supply issue. The overall Local Plan to be adopted by the end of 2018. These Area Action plans being necessary to put in place a statutory planning framework, delegated authority to the Head of Planning and Sustainability in consultation with the Cabinet Member for Planning & Sustainability was sought to enable flexibility in the detail, providing that is that the latest adoption dates did not fall behind those set out in the report.

93. Members noted that the option recommended would best assist with addressing the increasing number of speculative applications, and in particular applications that were challenging existing or emerging strategic policy positions and that were coming forward in advance of proposal in the overall new Local Plan, these included:

Applications for housing on key employment sites;

‘Greenfield’ applications such as those received at Princes Risborough and Longwick;

Proposals coming forward on sites such as the Molins site at Saunderton where greater coordination/integration of issues needed to be considered.

The reason for the decision made was to ensure the timely preparation of the new Local Plan having regard to the constraints of the Duty to Co-operate, the scope of the work required and the resources available, and to address particular development pressures through progressing the said Area Action Plans ahead of the District wide Local Plan.

RESOLVED: That delegated authority be granted to the Head of Planning and Sustainability to revise the Local Development Scheme, including the preparation of the Area Action Plans for Princes Risborough and Saunderton, to bring it into effect and to update it further as appropriate,

provided that the revised timetable does not result in a later adoption date for plans, and remains within the scope, set out in this report

LOCAL PLAN: REVISED LOCAL DEVELOPMENT SCHEME

Cabinet Member: Councillor Neil Marshall

Wards Affected: All

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PROPOSED DECISION

That delegated authority be granted to the Head of Planning and Sustainability in consultation with the Cabinet Member for Planning and Sustainability to revise the Local Development Scheme, to bring it into effect and to update it further as appropriate provided the revised timetable does not result in a later adoption date for plans, and remains within the scope, set out in this report.

Reason for Decision

To ensure the timely preparation of the new Local Plan having regard to the constraints of the Duty to Cooperate, the scope of work required and the resources available, and to address particular development pressures through progressing Area Action Plans ahead of the District wide Local Plan.

Corporate Implications

Legal

1. Section 15 of the Planning and Compulsory Purchase Act (2004) requires authorities to have a Local Development Scheme setting out the plans it intends to produce and the timetable for their production, and to keep it up to date. The Town Country Planning (Local Planning) (England) Regulations (2012) set out the process for preparing local plans. Regulations 5 and 6 allow for the preparation of local plans that cover just part of the local authority area – these are called Area Action Plans. The National Planning Policy Framework encourages the preparation of just one Local Plan for an authority area, but indicates that other plans can be prepared where this is clearly justified. Under current legislation policies and proposals in an Area Action Plan can replace policies and proposals in the adopted Core Strategy and current Local Plan.

Financial and other resource implications

2. There are significant financial implications associated with preparing Local Plans. Key costs include technical work for the evidence base to underpin the plan, consultation costs, and the cost of the independent examination process including the cost of the planning inspector.
3. The Local Plan is currently being funded from the remainder of Housing and Planning Delivery Grant and an annual £100,000 from the general fund.

Current estimates suggest that the new work programme can be broadly funded from these sources for the next 3 years (including the current financial year) but there would be a shortfall towards the end of the programme related to the high cost of the planning inspector at examinations. The introduction of Area Action Plans into the programme does not result in additional costs in terms of technical work which would have to happen anyway, but does increase examination costs and helps to explain some of this shortfall. Given the many variables in this process no additional funding is sought at this stage, but the situation will need to be monitored. Any financial pressures relating to the delivery of the Local Plan will need to be offset by savings within the existing Planning & Sustainability budget in the first instance.

4. To help offset costs, a significant amount of technical work will be undertaken jointly with other authorities, transport work will be joint-funded by Buckinghamshire County Council, and funding for some work is also sought from the Buckinghamshire Local Enterprise Partnership. Some funding of technical work may also be sought from landowners/developer interests where appropriate.
5. Internal staff resources for this work are tight and it is anticipated that some additional resource will need to be bought in to assist with technical work – this is factored into the budget estimates.

Risks

6. There are a range of risks associated with this project and the discussion of the options set out in this report considers some of them. In short, to offset the major risk of failing to comply with the Duty to Cooperate and having a plan rejected by a planning inspector, more time is required to prepare the plan. However taking longer to prepare a Local Plan raises its own risks of how shorter term development pressures are managed, and the associated risk of planning by appeal. The recommendation to prepare Area Action Plans helps to address this. Preparing Area Action Plans has its own risk but these are not considered to be as high as encouraging the preparation of Neighbourhood Development Plans. There are risks that staff resources become over-stretched if diverted on to dealing with other issues such as planning appeals or if support is required to service the production of a lot of Neighbourhood Development Plans. In these circumstances additional resources will need to be identified to augment the current resource.

Executive Summary

7. The difficulties experienced nationally with complying with the Duty to Cooperate and the scale of development needs identified to date means that the timetable for preparing the new Local Plan needs to be updated and extended. The Plan needs to try to address shorter term development pressures arising from the 5 year housing land supply issue, and longer term development needs.
8. It is recommended that the most appropriate way of doing this is to prepare more than one plan, with Area Action Plans prepared on a faster timetable at Princes Risborough and Saunderton with the aim of adoption by early to mid-

2017, and the main Local Plan being adopted by the end of 2018 at the latest. The Area Actions Plans are necessary to put a statutory planning framework in place to address more immediate development pressures. Delegated authority is sought for the Head of Planning and Sustainability in consultation with the Cabinet Member for Planning and Sustainability to agree the detailed work programme, called the Local Development Scheme, and to have flexibility to amend the detailed programme provided the timetables do not slip beyond the latest adoption dates set out in this report and provided it remains within the scope set out in this report.

Sustainable Community Strategy/Council Priorities – Implications

9. The New Local Plan provides the spatial arm of the Sustainable Community Strategy. Early stages of work on the Plan have been developed alongside the refresh of the Sustainable Community Strategy. The Plan helps deliver all three priorities of the Council's Corporate Plan, particularly through seeking to deliver sustainable development across the District and by being prepared through engagement with our community.

Background and Issues

10. Members will be aware that work on the new Local Plan is being progressed. A major options consultation early in 2014 resulted in a very large public response. The Council is required to approve and update a Local Development Scheme which is effectively the work programme for the Local Plan. The current Local Development Scheme was approved in October 2012 and set out a programme for preparing a new Local Plan that would replace the current Core Strategy (adopted 2008) and remaining policies in the current Local Plan (adopted 2004). This programme aimed to have an adopted Local Plan in place by December 2015.
11. During the second half of 2014, at various meetings with Members and the wider public, it was explained that it would not be possible to progress the Local Plan on the current published timetable and that there would be a significant delay in bringing forward the Plan. The key reason is due to the constraints of the Duty to Cooperate – the statutory duty to collaborate with other local authorities and agencies on key strategic issues. Linked to this is the fact that the work to date on the Local Plan has highlighted that the scale of housing and other development needs that we need to plan for is much higher than we have had to plan for in the past – in short, the challenge is bigger. During 2014 in particular it was becoming clear that it was increasingly difficult for local authorities across the country to get new local plans approved through the independent examination process, with planning inspectors rejecting the vast majority of plans that they were examining, either because the authority had failed to comply with the Duty to Cooperate or had failed to adequately address their objectively assessed development needs. Aylesbury Vale and Chiltern Districts locally have both had plans rejected during 2014 by planning inspectors.
12. As such a more realistic timetable needs to be agreed. This is somewhat at odds with issues highlighted during the second half of 2014 in relation to the shorter term challenges of demonstrating a 5 year housing land supply and

emerging 'speculative' planning applications for housing in some parts of the District.

13. The key issues for a revised programme are therefore:

- To devise a programme that fits with joint work across other key partner authorities and agencies as part of the Duty to Cooperate. This includes ensuring time to complete the necessary evidence base work including:
 - new housing and economic development needs assessments
 - green belt assessment
 - updated housing land availability work and updating the 5 year housing land supply assessment
 - further work on key economic and infrastructure site options
 - work on the possible expansion of Princes Risborough.
- To consider how the plan-making process can best assist with addressing the increasing number of speculative applications, and in particular applications that are challenging existing or emerging strategic policy positions and that are coming forward in advance of proposals in the new Local Plan. This includes:
 - applications for housing on key employment sites
 - 'greenfield' applications such as those received at Princes Risborough and Longwick
 - proposals coming forward on sites such as the Molins site at Saunderton where greater coordination/integration of issues needs to be considered.

14. A key driver for the Local Plan is to establish the overall housing requirement for the District having worked through the Duty to Cooperate issues with other local authorities and agencies, and identify the sites to meet that requirement, including sufficient deliverable sites to ensure the Council can demonstrate a rolling 5 year housing land supply.

The Options

15. Government policy and guidance encourages the preparation of a single local plan, but allows for more than one plan to be prepared if clearly justified. Given the shorter term development pressures as well as the need for a longer term plan the main options are:

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| Option A | To progress the Local Plan as one plan but on a slower timetable |
| Option B | As per Option A, but to encourage the production of Neighbourhood Development Plans as a short term measure to get plans in place to address new speculative applications |
| Option C | As per Option A but in addition to prepare Area Action Plans for Princes Risborough and Saunderton to plan for major growth on a faster timetable than the main Local Plan. |

Notes: A Neighbourhood Plan is prepared by a town or parish council (or a neighbourhood forum in an unparished area) with support and advice from the District Council. In addition to an examination by an independent examiner, it is also subject to a local referendum. It has the same status as a Local Plan when approved. The plan has to be in general conformity with the strategic planning policies of the development plan (eg the District Council's Core Strategy and current Local Plan). It is not subject to the Duty to Cooperate.

An Area Action Plan is effectively a mini local plan for a smaller part of the District. It is prepared by the District Council in the same way as a local plan in consultation with the local community. It is subject to independent examination but not a referendum, and is also subject to the Duty to Cooperate. It does not have to be in general conformity with existing strategic planning policies in the development plan.

16. In relation to Princes Risborough and Saunderton, the work is exploring the scope for much greater growth than is set out in existing plans. A number of public meetings and exhibitions have been held in Princes Risborough to explore this over the last 12 months, most recently at the end of January this year. At Saunderton a public meeting was held just before Christmas to highlight the idea of looking at more major growth to sit alongside development of the former Molins factory site. This site is currently difficult to access from the village and a larger scheme connecting the Molins site to the village could deliver more sustainable development.
17. Officers have been considering the options and have taken further advice. Because plans for Princes Risborough and Saunderton could bring forward much more development than current plans, such plans may not conform with existing strategic policies in the Core Strategy due to the scale of growth being considered. As neighbourhood plans have to be in general conformity with the strategic policies of the current plan (including the Core Strategy and current Local Plan) there would be a significant risk of failing to comply with this legal requirement and hence a risk of legal challenge if major growth was to be brought forward through neighbourhood plans. Whilst there are still risks associated with the Area Action Plan approach as they are still subject to the Duty to Cooperate, this is considered the most appropriate route to help address the shorter term pressures, if they can be brought forward faster than the main local plan. As such Option C is recommended. The main Local Plan provides the opportunity to address any outstanding Duty to Cooperate issues from this process. Neighbourhood plans may still come forward elsewhere, and indeed there are recent proposals for neighbourhood plans to be prepared at Bourne End and Longwick. It should be made clear that agreeing to progress work on Area Action Plans for Princes Risborough and Saunderton is not making any decisions at this stage on the overall housing requirement for the District or on the scale of growth that should occur at Princes Risborough or Saunderton.

The Way Forward

18. The following approach is recommended for taking the Local Plan forward and addressing shorter-term strategic development management pressures:
 - To progress the main Local Plan on the following broad programme:
 - Autumn 2015 to Spring 2016 – sharing additional evidence base from technical work and resulting strategic and site options

- Autumn 2016 – draft plan for consultation
 - By Autumn 2017 – formal publication of the plan and subsequent submission for examination
 - Mid-end 2018 – adoption of Plan
- Prepare an Area Action Plan for Princes Risborough on the following broad timetable:
 - Summer/early autumn 2015 – consultation on an emerging framework for the growth of the town
 - Early 2016 – consultation on a draft plan
 - Later 2016 – to publish the plan and submit it for examination
 - Early to mid-2017 – adoption of Plan.
 - Prepare an Area Action Plan for Saunderton including:
 - During 2015 - issues and options consultation, including preferred options consultation
 - During the remainder of 2016 – take the plan through its formal submission and examination process.
 - Late 2016 to mid-2017 – adoption of Plan.
19. Flexibility should be incorporated into the Local Development Scheme to remove the draft plan stage if this is considered appropriate to enable any one of the plans to be prepared on a faster programme or to enable the new programme to be adhered to. This stage is not required by the regulations but provides an opportunity to change the plan before it is formally published and submitted for examination (by which time it is too late for the Council to make changes – it is in the hands of the Inspector).
 20. It is recommended the preparation of the new Local Development Scheme be delegated to the Head of Planning and Sustainability, in consultation with the Cabinet Member for Planning and Sustainability. This will set out the more detailed programme and stages of work, including the timing of key milestones in relation to the preparation of both the main Local Plan and the Area Action Plans. It is also suggested that the delegation allows for amendments to this programme to be made provided that it does not change the latest adoption date for the plans or the overall scope set out in this report, to address issues as the work proceeds.
 21. The work to date on the Local Plan has been subject to ongoing scrutiny by a task and finish group of the Improvement and Review Commission. It is suggested that this group continue to undertake this function, including in relation to the Area Action Plans, to provide that ongoing scrutiny of the process and emerging plans.
 22. In addition work will be undertaken in the first half of this year to update the 5-year housing land supply assessment to cover the period April 2015 – March 2020. This will include reviewing whether there is any additional housing potential from existing employment sites. The aim would be to publish the updated 5-year housing land supply position in the summer in the Annual Monitoring Report, by which time initial findings from the latest housing needs work should also be emerging.

Consultation

23. No formal consultation is required on changes to the Local Development Scheme. However, as noted above various Member and public consultation meetings over the last 6 months or so have signalled the need to change the timetable on the Local Plan. In addition officers have shared the broad programme and the nature of the plans to be produced with surrounding local planning authorities as part of the Duty to Cooperate, and invited comments. Chiltern and South Bucks District Councils have provided a joint comment. This had no adverse comments on the programme or nature of plans to be produced, but sought alignment of the plan periods for different plans across the county.

Next Steps

24. The revised Local Development Scheme will be prepared in detail and published on the Council's website. Officers will then write to residents and stakeholders who have registered an interest in the Local Plan to inform them of the changes to the timetable and to explain what happens next.

Background Papers

Wycombe Local Development Scheme (October 2012)