



# Cannock Chase Council

## Local Development Scheme (LDS)

October 2012

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## 1. INTRODUCTION

### The Local Development Scheme (LDS)

1.1 This LDS helps explain how the various component parts of the Development Plan fit together. It provides an update on existing document production, including compliance with timescales and identifies where documents should be added, deleted or merged. The LDS sets out a three-year programme for producing Development Plan Documents (DPDs). In particular, it details:

- which DPDs the Council is to prepare and the topics they will cover;
- the timetable for preparing the documents and their subsequent monitoring; and
- the relationship between DPDs, in the 'chain of conformity'.

1.2 Since the change of national government in May 2010, fundamental changes have taken place to the way the planning system will function in the future. A key component driving change is the Localism Act, which devolves some power and decision-making down to local authority level. The LDS no longer needs to be submitted for Government approval. A National Planning Policy Framework has also been issued which simplifies and amends the national planning policy to which the Development Plan should conform.

1.3 The LDS will inform the public and other organisations as to the Council's intentions for the production of the Development Plan over the next three years. Further information is given in the supporting statement in section 5.

1.4 The LDS will be subject to review and updating as appropriate.

### The Cannock Chase Development Plan

1.5 The **Development Plan** for Cannock Chase District primarily consists of:

- (a) **Development Plan Documents** prepared by Cannock Chase Council
- (b) **Minerals and Waste DPDs** prepared by Staffordshire County Council

1.6 **Changes to Government and National/Regional Planning Policy** – The Government has announced its intention to revoke Regional Spatial Strategies and this intention is a material planning consideration. Once revoked, RSSs will no longer form part of the Development Plan for the purposes of the Planning and Compulsory Purchase Act 2004. In place of Regional Planning there is a duty to co-operate placed on authorities to consider matters which go beyond authority boundaries. At national level the National Planning Framework replaces the previous portfolio of Planning Policy Statements.

1.7 As the Local Planning Authority, Cannock Chase Council is responsible for preparing the Development Plan consisting primarily of Development Plan Documents (DPDs) setting policy and Supplementary Planning Documents (SPDs) elaborating policy. Other supporting documents are the Statement of Community Involvement (SCI), the Authorities

Monitoring Report (AMR) and the LDS. DPDs are statutory documents which will be the subject of rigorous community involvement and independent examination. SPDs, while forming part of the LDF and subject to community involvement will not be subject to independent examination. DPDs are subject to a sustainability appraisal.

- 1.8 The preparation of each DPD consists of the following main stages:
- Pre-Production: Survey and evidence gathering leading to a decision to include a Development Plan Document in the Local Development Scheme;
  - Public Participation: Preparation of documents in consultation with the community, leading to preparation of the Development Plan Document;
  - Publication: Consultation on a draft Development Plan Document prior to submission
  - Submission: Final submission of a Development Plan Document for examination
  - Examination: The independent examination by a Planning Inspector into the soundness of the plan; and
  - Adoption: Receiving the binding report of the Planning Inspector and adoption.
- 1.9 The Council is producing the following DPDs:
- (a) **Local Plan Part 1 incorporating a Core Strategy and Rugeley Town Centre Area Action Plan**
  - (b) **Local Plan Part 2 incorporating site specific allocations and planning standards**
- 1.10 An adopted Proposals Map must also be prepared as part of the Development Plan and will be revised at the same time as any DPD is adopted. This includes Minerals and Waste DPDs.
- 1.11 Other DPDs may be prepared, at the discretion of the Council to address identified needs and problems and if required, will be added to a future LDS revision.
- 1.12 The Council has also prepared a **Statement of Community Involvement (SCI)** (Adopted June 2006). This details the Council's approach to involvement of the community and stakeholders and associated consultation in the preparation of the Development Plan.
- 1.13 The Development Plan will remain the starting point for the determination of planning applications for the development or use of land. (Section 38(6) Planning and Compulsory Purchase Act, 2004).

## 2. PRESENT POSITION

- 2.1 The first LDS was brought into effect by the Council in February 2005. The first review of the LDS was originally approved by the Council's Cabinet in April 2006 and submitted to GOWM (now abolished), but not brought into effect in a modified form until March 2008. A second revision came into effect in April 2009 and took account of regulation amendments introduced during 2008. This third revision came into effect in October 2012.
- 2.2 Current Government advice to local authorities is that the LDS should be regularly reviewed and revised, in particular, where new documents need to be produced or where there has been slippage in document production. These issues have been highlighted in the Authorities Monitoring Reports (AMRs) and on the Council's website.
- 2.3 In addition to the LDS, the Council has prepared a Statement of Community Involvement (June 2006) and has adopted five Supplementary Planning Documents to date – Car Parking Standards (July 2005); Talbot Street, Rugeley, Conservation Area Appraisal (July 2005); Church Street, Rugeley, Conservation Area Appraisal (April 2006); Housing Choices (February 2008); and Developer Contributions SPD (June 2008).
- 2.4 A Core Strategy - Issues and Options document was approved in December 2005, with consultation between March and May 2006. Consultation on a second Core Strategy, Site Allocations and Development Control – Issues and Options DPD was carried out from late May to July 2007. A 2008 consultation for the Core Strategy Issues and Options was undertaken between July and September 2008 to acknowledge and build on the earlier consultation and further refine options and this was followed by a Preferred Options consultation between April and June 2009. A non-statutory pre-publication draft was produced in May 2010, with a six week consultation period following during June and July 2010.
- 2.5 Consultation on a Rugeley Town Centre Area Action Plan Issues and Options document was carried out between March and May 2008 with a Preferred Options consultation following between June and August 2009. A non-statutory pre-publication draft was produced in July 2010, accompanied by a six week consultation period during August and September 2010.
- 2.6 Consultation on a Draft Local Plan Part 1 combining the Core Strategy and Rugeley Town Centre Area Action Plan was undertaken in August and September 2012.

### 3. THE DEVELOPMENT PLAN

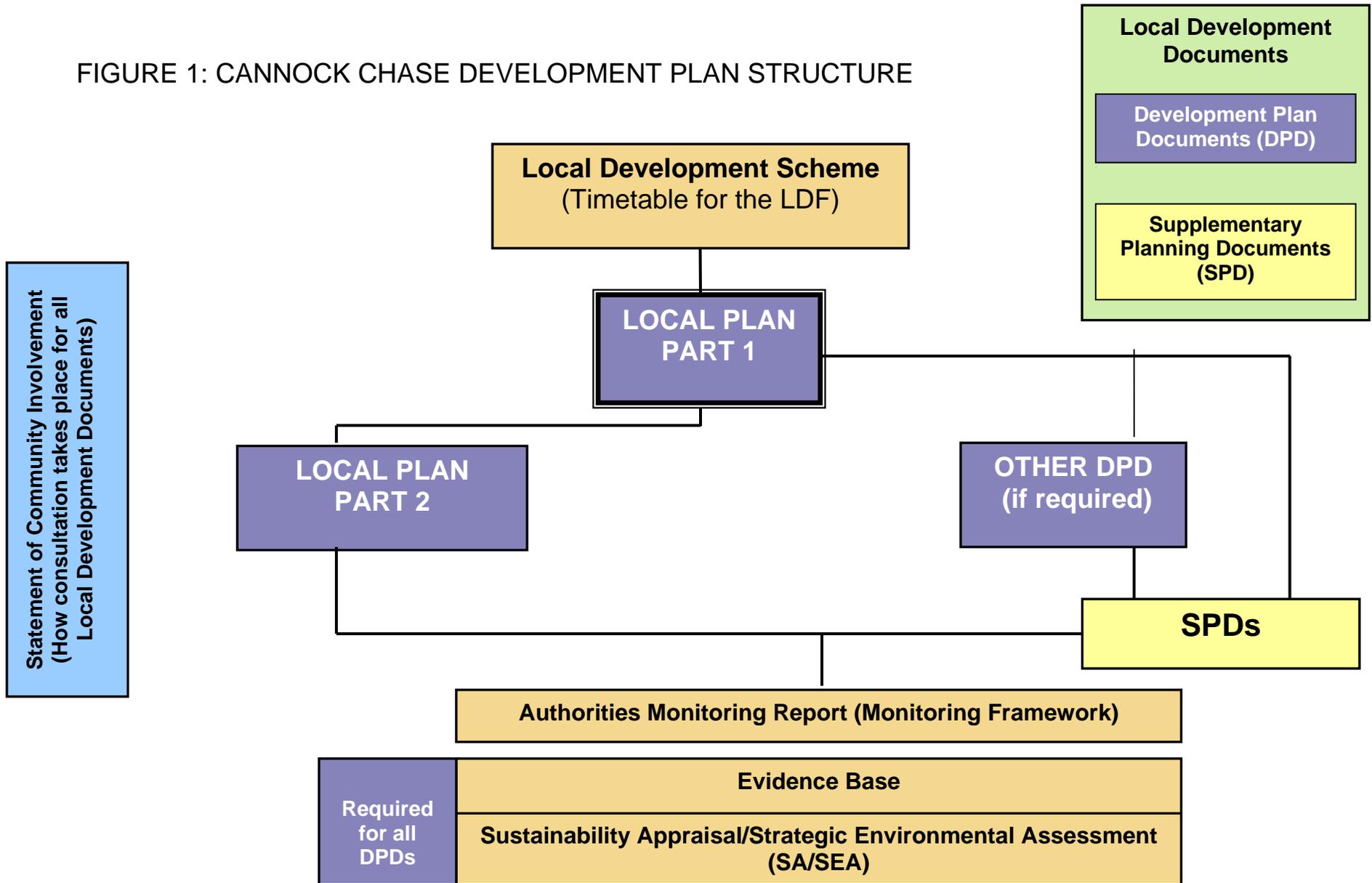
#### Saved Plans

- 3.1 The Planning and Compulsory Purchase Act 2004 came into effect on 28 September 2004. This marked the starting point from which documents produced under the new Act would take on increased status up until the time of adoption. Meanwhile the existing Cannock Chase Local Plan 1997 was 'saved' for a period of three years from commencement of the Act. In March 2007 the Council issued a list of policies it wished to retain post September 2007 and the Secretary of State's Direction on this matter dated 7 September, 2007, includes a schedule of 86 saved Local Plan Policies.
- 3.2 The Staffordshire and Stoke-on-Trent Structure Plan 2001 also became a 'saved' document for three years until September 2007. The County Council submitted a list of policies to save beyond September 2007. A decision on this request was announced on behalf of the Secretary of State on 7 September 2007, in which 80 Structure Plan policies are now saved beyond September 2007. The Localism Act provides for Structure Plan policies to lose their 'saved' status.
- 3.3 The current Minerals Local Plan (MLP) was adopted in 1999 and sets out policies and proposals for mineral working in Staffordshire and Stoke-on-Trent for the period up to 1 January 2006. The adopted MLP retained its development plan status and became a 'saved' plan for a period of three years or until superseded. The County Council submitted a list of policies it wished to save and a decision was received on behalf of the Secretary of State to save 31 policies beyond 28 September 2007. Similarly, the Staffordshire and Stoke-on-Trent Waste Local Plan, which was adopted in 2003, was saved for three years. The County Council submitted a list of policies it wished to save beyond that period and a decision on behalf of the Secretary of State was received in September 2007, in which nine policies were saved beyond 28 September 2007. Staffordshire County Council remains the Minerals and Waste Planning Authority under the Planning and Compulsory Purchase Act 2004 and accordingly prepares a LDS for Minerals and Waste DPDs.
- 3.4 All DPDs must be subjected to sustainability appraisal (incorporating strategic environmental assessment). The consultations on the Cannock Chase Core Strategy Sustainability Appraisal Scoping Report were carried out in January 2006, an appraisal of options accompanied the Core Strategy Issues and Options 2008 consultation, and there was further assessment of Preferred Options in 2009. A Sustainability Appraisal was completed for the Pre-Publication Draft Core Strategy in January 2010, with a further Sustainability Appraisal for the Draft Local Plan Part 1 produced in July 2012.

#### Development Plan Documents

- 3.5 The schedule of proposed DPDs is set out in Table 1. A more detailed profile of each document is given in section 4. Figure 1 demonstrates how the individual DPDs relate to each other to form the framework structure. The timetables for SPDs are not included within the LDS.

FIGURE 1: CANNOCK CHASE DEVELOPMENT PLAN STRUCTURE



**TABLE 1 - SCHEDULE OF PROPOSED DEVELOPMENT PLAN DOCUMENTS**

Document Title	Status	Brief Description	Chain of Conformity	Commencement	Publication DPD	Submission	Examination	Proposed Adoption Date
<b>LOCAL PLAN PART 1</b>	<b>DPD</b>	Sets out the Council's vision, objectives and spatial strategy to guide future development in the district. Also provides framework for encouraging regeneration at Rugeley Town Centre.	Must be in general conformity with NPPF	September 2004	February 2013	May 2013	September 2013	January 2014
<b>LOCAL PLAN PART 2</b>	<b>DPD</b>	Identifies specific development sites in order to meet land requirements and planning standards to support the objectives of the Core Strategy.	Must be in general conformity with NPPF and Local Plan Part 1	January 2014	January 2016	May 2016	August 2016	February 2017



## 5. DEVELOPMENT PLAN DOCUMENT PROFILES

5.1 LOCAL PLAN PART 1	
<b>DOCUMENT OVERVIEW</b>	
<b>Role and Subject</b>	The first section is a strategic document providing the broad planning policy framework for the District. It will detail the Council's vision, objectives and spatial strategy to guide future development within the District up to 2028, including new housing and employment land required. Drawing on those strategies that have implications for the development and use of land within the District, it will set out a series of core policies to deliver the spatial planning strategy. The DPD will also contain generic development management policies. The second section provides a framework for encouraging town centre regeneration in Rugeley.
<b>Geographical Coverage</b>	District wide and Rugeley Town Centre
<b>Status</b>	Development Plan Document (DPD)
<b>Conformity</b>	NPPF and adopted Regional Spatial Strategy subject to its proposed revocation being a material planning consideration.
<b>TIMETABLE</b>	
<b>Stage</b>	<b>Date</b>
<b>Commencement</b>	September 2004
<b>Publication</b>	February 2013
<b>Submission</b>	May 2013
<b>Examination (pre hearing meeting)</b>	September 2013
<b>Adoption</b>	January 2014
<b>ARRANGEMENTS FOR PRODUCTION</b>	
<b>Organisation Lead</b>	Head of Planning & Regeneration/Planning Policy Section
<b>Political Management Arrangements</b>	Economic Development and Planning Policy Development Committee recommendation to Cabinet, with Cabinet decisions prior to publication stage. Full Council resolution required at Publication, Submission and Adoption stages
<b>Resources Required</b>	Annual LDF Budget. Planning Policy Section, Consultants as required.
<b>Community &amp; Stakeholder Involvement</b>	In accordance with the SCI
<b>MONITORING AND REVIEW</b>	
<b>Monitoring Arrangements</b>	Authorities Monitoring Report
<b>When Will the Document be Reviewed</b>	When necessary as a result of monitoring or consultation.

## 5.2 LOCAL PLAN PART 2

DOCUMENT OVERVIEW	
Role and Subject	This DPD will allocate sites to support delivery of the objectives, in accordance with the development strategy for the District set out in the Local Plan Part 1. Policies setting out specific planning standards relating to matters such as open space standards will also be set out
Geographical Coverage	District wide, with site specific locations for particular needs
Status	Development Plan Document (DPD)
Conformity	Have regard to the NPPF and Local Plan Part 1.
TIMETABLE	
Stage	Date
Commencement	January 2014
Publication	January 2016
Submission	May 2016
Examination (pre hearing meeting)	August 2016
Adoption	February 2017
ARRANGEMENTS FOR PRODUCTION	
Organisation Lead	Head of Planning and Regeneration/Planning Policy Section
Political Management Arrangements	Economic Development and Planning Policy Development Committee recommendation to Cabinet, with Cabinet decisions prior to publication stage. Full Council resolution required at Publication, Submission and Adoption stages.
Resources Required	Annual LDF Budget and Planning Policy Section.
Community & Stakeholder Involvement	In accordance with the SCI
MONITORING AND REVIEW	
Monitoring Arrangements	Authorities Monitoring Report
When Will the Document be Reviewed	When necessary as a result of monitoring or consultation.

## 6. SUPPORTING STATEMENT

### Strategic Planning Context

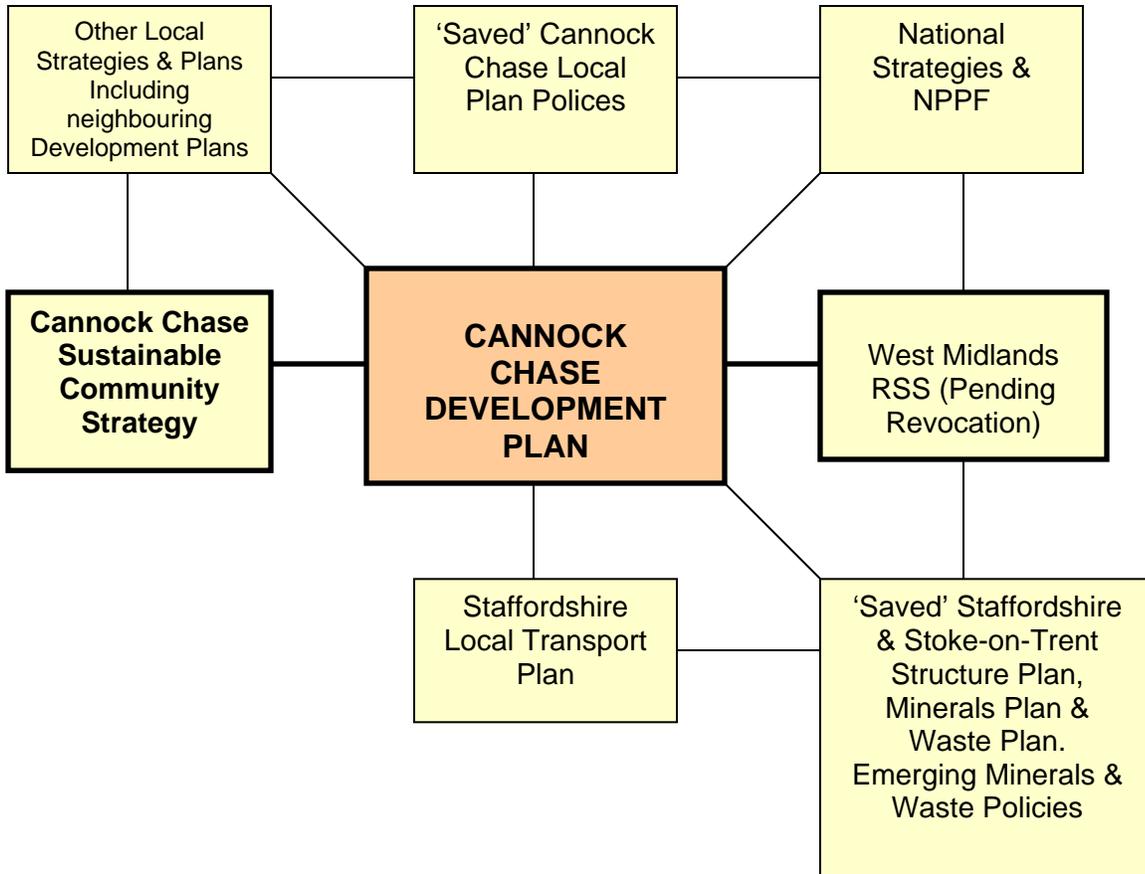
#### Links with Other Strategies and Plans

- 6.1 The current planning system operates under the direction of the Planning and Compulsory Purchase Act 2004 where physical aspects of land are balanced with the economic, social and environmental matters of an area. The proposed revocation of RSSs will mean that in principle, local authorities will be taking on greater autonomy in the production of localised planning policies in the future (provided they conform with the NPPF). As such, it inevitably means that links will need to be forged (and maintained) with other strategies and plans, both within the Council and with other organisations in order to continue to address these issues effectively and there is a requirement under the Duty to Cooperate to plan for issues which cross authority boundaries.
- 6.2 In particular, the Local Plan has to reflect the planning implications of other policies and programmes especially the Cannock Chase Sustainable Community Strategy. The range of topics can include:

<ul style="list-style-type: none"><li>• Regeneration</li><li>• Economic Development</li><li>• Education</li><li>• Housing</li><li>• Health</li><li>• Waste</li><li>• Energy</li></ul>	<ul style="list-style-type: none"><li>• Biodiversity</li><li>• Recycling</li><li>• Protection of the Environment</li><li>• Transport</li><li>• Culture</li><li>• Crime Prevention, and</li><li>• Social Inclusion</li></ul>
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- 6.3 In order to reflect this relationship, technical work on the Development Plan is guided by close working with the Head of Planning & Regeneration, Planning Services Manager, Economic Development Manager, Housing Strategy Manager, Sustainable Community Strategy Manager and a representative of Legal Services.
- 6.4 There is also a close working relationship between Planning, Housing and Economic Development Units following the establishment of a Housing Strategy Group. This Group provides important links through which housing strategies, economic development strategy and spatial planning policies can be brought together for discussion. There are also regular liaison/update meetings between the Economic Development Unit and the Planning Policy Unit. Equally as important is the fact that Planning Services has been represented on Community Strategy Theme Groups and Cross Cutting groups. The Local Strategic Partnership is updated on development plan issues.

Figure 2 – Relationship between the Development Plan and Some Other Key Strategies and Plans



## **Monitoring, Review and the Authorities Monitoring Report (AMR)**

- 6.5 The Government has scaled back monitoring requirements. The requirement for every local planning authority to submit an Annual Monitoring Report to the Secretary of State has been replaced by an Authorities Monitoring Report process whereby monitoring information, when produced, is made available on the Council's website for local information purposes
- 6.6 Monitoring, however, remains an important part of the development plan making process. It allows progress with plan making to be reviewed and for present and likely future trends to be established and then compared with existing policies and targets to see if they are serving their intended purpose or need to be updated or deleted.
- 6.7 The AMR is important as it:-
- sets out the extent to which policies and targets are being achieved;
  - details the extent to which key milestones set out within the LDS have been met;
  - explains why milestones have not been met and the Council's remedial actions;
  - provides a 'snapshot' of progress made in implementing policies and proposals;
  - identifies those aspects of the Plan which require change in order to keep it up-to-date and consistent with strategic and national planning policies; and
  - provides the necessary information to inform future decision making in preparing and updating the Development Plan.

## **Evidence Base**

- 6.8 As part of the preparation of the Development Plan, it is important to have an up-to-date source of information on key issues that are directly related to the production of the respective Development Plan Documents. Where it has not been possible to produce the information in-house (either through lack of resources or expertise), consultants have been employed.
- 6.9 The Council has a well established dialogue with Staffordshire County Council on the supply of information in relation to housing provision, employment provision, demographic projections, derelict land monitoring, strategic and sub-regional planning, transport policy and the Local Transport Plan. It is intended that the majority of these arrangements will be continued on a sub-regional basis as part of the preparation of the LDF despite the proposed revocation of regional functions.

## **Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA)**

- 6.10 Under the Planning and Compulsory Purchase Act 2004, SA is mandatory for DPDs in order to help local planning authorities to fulfil the objective of contributing to the achievement of sustainable development in preparing their plans. Planning authorities must also carry out SEAs in accordance with the European Directive 2001/42/EC. Whilst

these are two distinct processes, government advice is that it is possible to meet both requirements through a single appraisal process.

- 6.11 The SA will be carried out as an integral part of the preparation of the relevant documents proposed in this LDS. Community and stakeholder involvement in the SA process will be in accordance with the Statement of Community Involvement.
- 6.12 Each SA will be prepared, incorporating the requirements of the SEA Directive and will aim to:-
- take a long term view on whether and how the relevant area is expected to develop, taking into account the social, economic and environmental effects of the proposed document;
  - provide a mechanism for ensuring that sustainability objectives reflecting relevant concerns are translated into sustainable planning policies; and
  - provide a clear indication of how the plan has been revised to take this into account.
- 6.13 Consultants were employed in 2006 to carry out the preparation of the SA/SEA documents for the LDF. A Scoping Report for the LDF Core Strategy was initially the subject of consultation in January-March 2006. This was developed as part of the SA for the Core Strategy consultation. Similarly SA has been undertaken alongside the Rugeley Town Centre Area Action Plan. These SAs have now been combined into one process supporting the production of Local Plan Part 1.

#### **Habitats Regulations Assessment (HRA)/Appropriate Assessment(AA)**

- 6.14 AAs aim to ensure that development plans will not have an adverse effect on the integrity of sites designated under the Habitats Directive.

The following AAs have been or are currently being produced:

- Cannock Chase Core Strategy Appropriate Assessment (2011)
  - Cannock Chase SAC Appropriate Assessment (AA) (CCC, Stafford BC, Lichfield DC, South Staffordshire DC and Staffordshire CC, Nov 2009 - Ongoing)
  - Cannock Extension Canal Appropriate Assessment Baseline Report (White Young Green, 2007) produced for CCC and the Black Country Authorities
  - Cannock Extension Canal Appropriate Assessment Screening Report (White Young Green, 2007) produced for CCC and the Black Country Authorities
- 6.15 In undertaking an AA of the Core Strategy, significant concerns have been raised in connection with the potential adverse effects of the scale of development proposed within the sub-region on the internationally important Cannock Chase Special Area of Conservation (SAC). Additional studies are being undertaken to ensure these potentially

adverse effects can be dealt with via appropriate mitigation measures linked to development. A partnership of interested authorities has now been established to commission additional evidence base work. The partners include Staffordshire County Council, Cannock Chase District Council, Stafford Borough Council, Lichfield District Council, South Staffordshire District Council, the Black Country Authorities, Birmingham City Council, Natural England, the Forestry Commission and the AONB unit.

The Council has been jointly working with the Black Country Authorities in commissioning consultants to carry out an AA of the Cannock Extension Canal Special Area of Conservation (SAC), due to its cross boundary nature into the Walsall MBC area. This was carried out as part of their work on the Black Country Authorities Core Strategy and the Cannock Chase Core Strategy. Cross boundary issues groups have also been set up for Rugeley, involving Stafford Borough Council and Lichfield District Council and for Cannock, involving South Staffordshire District Council. A traffic monitoring working group has also been established involving Staffordshire County Council and the Highways Agency.

### **The Council's Decision Making Procedure and Protocol**

- 6.16 The Council has considered the production of DPDs via an Environment Select Committee (until September 2007), a Planning Policy Working Group (until March 2010) and more recently via an Economic Development and Planning Policy Development Committee. The Council's Cabinet need to approve any non-statutory document prepared under the new planning system. The Full Council will need to approve all DPDs at statutory Submission (Publication) and Adoption stages. Should a Member/s disagree with any decision made by Cabinet, the matter can be referred to the Council's Scrutiny Committee for consideration.

### **Resources**

- 6.17 The Departmental Structure involving officers' time in the production of the LDF is approximately as follows:-

<u>Officers</u>	<u>% of time spent on the LDF</u>
• Head of Planning & Regeneration	10
• Planning Services Manager	10
• Planning Policy Manager	70
• Principal Planning Officer	80
• Senior Planning Officer	60
• Planning Officer	80
• Assistant Planning Officer	90
• Technical Assistant (Part Time)	30 (Pro Rata)

- 6.18 It is also the intention that staff from other sections within the Planning Services and other service areas of the Council will be closely involved during the preparation of the Development Plan. Within Planning and Regeneration, this will include the Development

Management, Economic Development and Building Control sections. In other Council Services this will include the Landscape and Countryside and Community Strategy Teams, Environmental Health, Leisure Services, Legal Services and Housing.

- 6.19 On occasions where the Council does not possess specialised knowledge in certain areas, consultants have been employed to provide such information. Consultants have been resourced to carry out work on the evidence base, SA/SEA and AA as required.
- 6.20 Other key partners that the Council has a strong working relationship with and whose active involvement in the LDF will be sought include:-
- The Local Strategic Partnership
  - Southern Staffordshire Primary Care Trust (Currently Under Review)
  - Staffordshire Police
  - The Heritage Lottery Fund
  - Southern Staffordshire Partnership of Local Authorities
  - Staffordshire University
  - Cannock Chase Technical College
  - Coalfields Community Campaign
  - Local Enterprise Partnerships (both Stoke-on-Trent and Staffordshire LEP and Birmingham and Solihull LEP)

### Programme Management

- 6.21 The Head of Planning and Regeneration has overall responsibility for the timetable for production of the Development Plan detailed in Table 1. On a day-to-day basis the Planning Policy Manager has responsibility for the team that will produce the documents. Each document will be subject to project management in accordance with the Council's adopted principles.
- 6.22 At a political level, the Head of Planning and Regeneration will need to report progress on the preparation of the Development Plan to the Portfolio Leader, to Cabinet, to the Economic Development and Planning Policy Development Committee and to Council as required, including a combination of verbal updates, briefing notes and reports.

### Risk Assessment

- 6.23 The Council has produced a business plan approach to service delivery and identifies some of the issues directly related to the development plan preparation process. These include officer time and financial implications. Subsequent paragraphs identify key risks to the Development Plan process, those in **RED** being high risk and those in **BLUE** considered moderate.
- 6.24 **STAFFING** - One of the most important factors in the production of the Development Plan is that of staffing. In a relatively small section, staff turnover is an issue that has had a major impact on the ability to adhere to the early timetable. The timescales for preparation

identified in Tables 1 and 2 are based on an assumption of full staffing, which has been relatively well maintained for recent production.

- 6.25 **THE POLITICAL PROCESS** - The active involvement of Members is important to the successful progression of the Development Plan. The Economic Development and Planning Policy Development Committee is an important forum for officers to inform Members on the policy issues through the various stages in the Development Plan programme. Issues which could occur at any stage, which could impact on the timescale identified in Table 1, could be decisions by Cabinet or Council to reject the Report Recommendations of the Head of Planning and Regeneration during the programme. Similarly, any Members who are not satisfied with a decision made by Cabinet have the right for that decision to be referred to the Council's Scrutiny Committee for consideration before their recommendation is referred back to Cabinet under a 'call-in' procedure. The political leadership of the Council has also changed during plan production requiring further work to assess the implications of revised policy positions.
- 6.26 **PLANNING INSPECTORATE** - Concerns have been expressed at a national level about the ability of the Planning Inspectorate to cope with the number of Examinations it will have to assess. This issue is outside of the Council's control but which could impact on the proposed programme in Table 2.
- 6.27 **ASSESSMENT OF 'SOUNDNESS' OF DPDs** - As the 'soundness of the plan', will be tested at Examination, the Council have sought the advice of the former Government Office and the Planning Inspectorate from the outset of commencement of work on the Development Plan. However, it has been clear that the development plan system has proved to be more complex and time consuming than originally envisaged and revised national planning policy changes are taking time to have full effect.
- 6.28 **LEGAL CHALLENGE** - Every effort will be made to minimise the risk of Legal Challenge by ensuring robust community involvement throughout the process, through compliance with the regulations, the Statement of Community Involvement and ensuring the "soundness" of the DPDs. However, any challenge through the High Courts or Judicial Review could affect the defined timescales.
- 6.29 **NEW LEGISLATIVE/NATIONAL POLICY REQUIREMENTS** - For example changes to national government have meant that major legislative and policy changes are being introduced which affect the whole planning system and Development Plan process (including the National Planning Policy Framework and the Localism Act).

### **Publishing the Local Development Framework**

- 6.30 All documents associated with the production of the Local Development Framework, starting with the LDS and all subsequent DPDs, will appear on the Council's website, [www.cannockchasedc.gov.uk/planningpolicy](http://www.cannockchasedc.gov.uk/planningpolicy).