

Report of:	Head of Economic Prosperity
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Key Decision:	Yes
Report Track:	Cabinet: 17/10/19 Council: 06/11/19

CABINET
17 OCTOBER 2019
LOCAL DEVELOPMENT SCHEME REVISION

1 Purpose of Report

- 1.1 To update the Local Development Scheme (LDS) for the period November 2019 to 2022 and to agree to cease work on a Cannock Town Centre Area Action Plan.

2 Recommendation(s)

- 2.1 That Cabinet resolves to not proceed with the Cannock Town Centre Area Action Plan and that strategic policies relating to Cannock Town Centre will be taken forward through the Local Plan Review.
- 2.2 That Cabinet recommends to Council that the revised Local Development Scheme in Appendix 1 covering the period November 2019 to November 2022 is approved and that it can be brought into effect on 6th November 2019.

3 Key Issues and Reasons for Recommendations

Key Issues

- 3.1 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires Planning Authorities to prepare an up to date Local Development Scheme setting out the Local Development Documents that will be prepared over the LDS timeframe. The LDS will further detail the subject matter of the Local Development Documents, the geographical area referred to and the timetable for their production.
- 3.2 The Town Centre Area Action Plans (AAP) covering Cannock Town Centre and Rugeley Town Centre provide a planning policy framework to guide development

and attract inward investment. The revised NPPF responds to the many challenges that town centres face and supports a 'positive approach to the growth, management and adaptation of town centres'. Planning policies should promote the 'long term vitality and viability' of centres 'by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries'

Reasons for Recommendations

- 3.3 The previous LDS was adopted 21st February 2018 and approved the start of a Local Plan Review upon cessation of work to progress Part 2 of the Local Plan. The revised National Planning Policy Framework (NPPF) and the Birmingham and Black Country Housing Market Area housing shortfall necessitated a fundamental review of key housing policies that are contained in Part 1 of the Cannock Chase District Local Plan. Other Councils within the Housing Market Area are similarly undertaking reviews to seek to contribute towards meeting the shortfall.
- 3.4 The Cannock Town Centre Area Action Plan is identified within the LDS as a Local Development Document to be prepared by the Council. Town Centres are going through transition and changes are happening rapidly requiring a new flexible approach to deal with the challenges that centres face. The National Planning Policy Framework now promotes flexible strategies for town centres and in this context, Area Action Plans are not considered to be the best way of responding to rapidly changing circumstances as witnessed in the retail and leisure environments.
- 3.5 A number of factors have delayed the progress of the Local Plan Review as outlined in the LDS. The Planning Policy team has carried a number of vacancies arising from two recent retirements as well as the previous Planning Policy Manager leaving for a new position in March 2019. A further two neighbourhood plans are being supported at this time and implementation of the Community Infrastructure Levy and Brownfield Register have required resourcing.

4 Relationship to Corporate Priorities

- 4.1 This report supports the Council's Corporate Priorities as follows:
- (i) Promoting prosperity by helping to create the conditions for economic growth and opportunity and ensuring sufficient land is allocated for a range of housing and employments uses, linking these to opportunities for developing skills and encouraging a balanced portfolio of employment opportunities. Supporting town centres to adapt to changing demands to ensure they are vibrant and diverse centres.
 - (ii) Ensuring that people can lead healthy and active lifestyles within attractive, safe and healthy environments through consideration of issues such as open space, sport and recreation, walking, cycling, improved air quality, sustainable transport, improved air quality and other opportunities for healthy lifestyle choices.

5 Report Detail

- 5.1 The Local Plan Part 1 was adopted in 2014 alongside the Rugeley Town Centre Area Action Plan. Local Plan Part 1 sets out the strategy for growth including the scale, quantum and distribution of development as well as policies for delivery. Part 2 was intended to contain site allocations and safeguarding of land for future development beyond the plan period including a possible need for a Green Belt review. The issues arising from the housing shortfall across the HMA would also be considered in Part 2.
- 5.2 Cabinet approved an Issues and Options consultation on 15th December 2016 being the first element of Part 2 as well as initial elements of the Cannock Town Centre Area Action Plan. A Regulation 18 consultation was carried out following Cabinet Approval on 22nd September 2016 on Cannock Town Centre Area Action Plan consultation procedures. A report on the outcomes of the consultation on Local Plan Part 2 and Cannock Town Centre Area Action Plan Issues and Options Consultation was presented to Cabinet 24th August 2017.
- 5.3 The 2016 LDS timetable that set out the process for the Local Plan Part 2 and Local Development Documents preparation (as required by Section 15 of the Planning and Compulsory Purchase Act 2004) had not been achieved. The reasons were attributable to a number of factors including new requirements placed on Local Authorities relating to Brownfield Land Registers, Rugeley Power Station Supplementary Planning Document, implementation of the Community Infrastructure Levy, data requests related to the HMA and West Midlands Combined Authority amongst others and demands arising from Neighbourhood Plans. Consequently, deadlines in the LDS could not be adhered to.
- 5.4 It was becoming clear that the Local Plan Part 1 would soon be out of date in view of proposed changes to government policy as well as the evolving Housing Market Area shortfall, areas which could only be amended through Part 1 as they were key strategic policies. The LDS was revised in 2018, approved by Cabinet 25th January 2018 and adopted by Council on 21st February 2018. Work on Part 2 of the Local Plan ceased at this point in order to prioritise a new Local Plan Part 1.
- 5.5 The Council had previously agreed, through Local Plan Part 2, to test whether there may be capacity to accommodate further growth to assist the HMA shortfall. This was compounded by changes that were proposed to the National Planning Policy Framework in particular, the introduction of a standardised methodology for calculating housing need in an area which would increase Cannock Chase District's housing requirement. The Local Plan Part 1 sets the requirement of 5,300 homes to 2028 (241 dwellings per annum) with a further 500 being delivered in Lichfield District. The new standard methodology calculation currently puts this figure at 277 dwellings per annum. The government has also confirmed that a Local Planning Authority will have to revert to the standardised figure where there is no Local Plan, or the Local Plan is considered out of date (more than 5 years old). These regulations came into force on 6th April 2018 alongside a new requirement on councils to review their

Local Plans and Statements of Community Involvement every 5 years. The current Local Plan Part 1 became out of date in June 2019 and therefore work on Part 2 would only have been delivering detail for an out of date plan.

- 5.6 Work is continuing across the Greater Birmingham and Black Country Housing Market Area to clarify the housing shortfall following the Strategic Growth Study publication in early 2018 commissioned jointly by the 14 authorities within the HMA. The study defined 'Areas of Search' for strategic development that could potentially accommodate growth taking into account considerations relating to Green Belt, landscape, non Green Belt areas, infrastructure and delivery issues. The recommendations of the study are being taken forward through the Duty to Co-operate and Local Plan Reviews.
- 5.7 Cannock Town Centre is identified as an area that will undergo change within the Local Development Scheme through new investment supported by planning policy in the form of an Area Action Plan. It is clear that nationally, retail and leisure activities are facing a number of economic challenges that have contributed to decline within these areas. In some cases, planning policy may have contributed to the decline and the revised NPPF is promoting a more flexible approach in order to consolidate town centres and help them to diversify and respond to rapid changes in the retail and leisure industries (Paragraph 85). In this context, the Council is seeking to take forward other documents to assist town centre development and regeneration such as the Cannock Town Centre Development Prospectus approved at Cabinet 11th July 2019. The Local Plan will provide strategic policies for both Cannock and Rugeley Town Centres and detailed planning matters will be delegated to replacement documents. Details of replacement documents will be provided on the Council's website.
- 5.8 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) also requires that amendments to the scheme should be set out within the LDS. The previous LDS, which covered the period from 21st February 2018 to the present time, can be viewed on the Council's website at www.cannockchasedc.gov.uk/planningpolicy. The changes to the previous scheme are set out together with reasons for the changes.
- 5.9 The LDS highlights the current staffing situation and the vacancies that the team are carrying. This reduced capacity has impacted on the programme for the Local Plan Review. The LDS assumes full team capacity and successful recruitment into vacancies pending a team restructure. The revised timetable takes into account the best information available at this time and reflects lead in times to obtain consents and approvals to move between different stages of the Local Plan Review.

6 Implications

6.1 Financial

There are no direct financial implications for the Council as a result of this report.

6.2 Legal

Legal implications are set out within the report.

6.3 Human Resources

The Local Plan Review timetable assumes full staffing levels and an equitable distribution of workload to provide an expected level of focus on the Local Plan, expressed as a percentage of each officer's time. The Planning Policy team is carrying a number of vacancies that will be advertised shortly. The national and regional policy context also has a bearing on Local Plan related and could impact on staff resources.

6.4 Section 17 (Crime Prevention)

No specific crime prevention implications are highlighted in the report although the Local Plan seeks to contribute to crime prevention and crime reduction through design and development policies.

6.5 Human Rights Act

The Planning and Compulsory Purchase Act 2004 sets out extensive consultation procedures that address human rights matters in relation to the Development Plan.

6.6 Data Protection

The Planning Policy Fair Processing Notice sets out how data is used in compliance with the GDPR.

6.7 Risk Management

An update to the LDS is required as detailed within the report. The update will ensure that the Council complies with the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. The risks identified within the report relate to finance and staff resources alongside measures to manage these risks.

6.8 Equality & Diversity

No specific issues however the Local Plan is subject to an Equality Impact Assessment.

6.9 Best Value

There are no best value implications arising from this report.

7 Appendices to the Report

Appendix 1: Local Development Scheme 2019 to 2022

Previous Consideration

Revised Local Development Scheme and Local Plan Review	Cabinet	25 January 2018
Cannock Town Centre Area Action Plan (AAP) Consultation Procedures	Cabinet	22 September 2016

Background Papers

- Local Development Scheme 21st February 2018 and previous iterations can be viewed at www.cannockchasedc.gov.uk/planningpolicy
- Planning and Compulsory Purchase Act 2004
- Localism Act 2011
- Local Plan Part 1 and Rugeley Town Centre Area Action Plan (adopted June 2014)
- Cannock Town Centre Area Action Plan Issues and Options Paper (January 2017)
- Local Plan Review Issues and Scope Consultation Document 2018
- Local Plan Review Issues and Options Consultation Document 2019.
- Statement of Community Involvement 2018
- National Planning Policy Framework 2019

Cannock Chase Council
Local Development Scheme
6th November 2019

Local Development Scheme 6th November 2019

1. INTRODUCTION

- 1.1 The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires Cannock Chase Council to prepare, maintain and publish a Local Development Scheme (LDS) for the District. The LDS represents the Council's 3 year project plan detailing the main stages in the preparation of the Local Plan to inform members of the public, stakeholders and external organisations of the main opportunities to get involved in the planning making process. This LDS updates the previous LDS published 21st February 2018.
- 1.2 This LDS reflects the progress made in preparing Local Plan documents since the last LDS was published. It also provides information on 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.cannockchasedc.gov.uk/planningpolicy

2. KEY CHANGES TO THE PLANNING SYSTEM

- 2.1 The Localism Act (2011) 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. 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. Cannock Chase Council has 4 designated Neighbourhood Plan Areas as at August 2019 and other parishes are also considering designation. The designated areas are the parishes of Brereton and Ravenhill, Hednesford, Norton Canes and Cannock Wood. The most up to date information can be seen on the Council's web pages at www.cannockchasedc.gov.uk/planningpolicy
- 2.2 Upon being made (adopted), a Neighbourhood Plan will become a statutory plan carrying equal weight to the Local Plan¹ and be part of the suite of documents that

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

guide development. This will mean that it will be used in making decisions on planning applications by Cannock Chase Council.

- 2.3 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).
- 2.4 The NPPF was originally published on 27 March 2012. A revised version of the NPPF was published in July 2018 to which minor clarifications were made and a further version published in February 2019. The revised NPPF has replaced 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 considerations indicate otherwise. The NPPF also confirms that the policies in emerging plans will gather more weight as development plans progress towards adoption.
- 2.5 On publication of this LDS on 6th November 2019, the Development Plan comprises:
 - The Waste Local Plan for Staffordshire and Stoke-on-Trent (2010 - 2026), adopted by Staffordshire County Council and Stoke-on-Trent City Council on 22nd March 2013
 - The Minerals Local Plan for Staffordshire (2015 - 2030), adopted by Staffordshire County Council on the 16th February 2017.
 - Local Plan Part 1 (Core Strategy and Rugeley Town Centre Area Action Plan) adopted by Cannock Chase Council 11th June 2014.

3. THE NEW LOCAL PLAN

- 3.1 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 the Local Development Framework.
- 3.2 There is still a requirement to produce a portfolio of documents that either support 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 (a Local Plan Review) which will replace Local Plan Part 1 when adopted and will also cover the more detailed elements which would have been contained in Local Plan Part 2 the work on this now having ceased³. The previous LDS set out details relating to the production of a Cannock Town Centre Area Action Plan. However, policies relating to the future of Cannock Town Centre will not now be taken forward through an Area Action Plan.
- 3.4 The Rugeley Town Centre Area Action Plan (adopted by Council 11th June 2014) forms part of the current Local Plan. The new Local Plan will also replace the Rugeley Area Action Plan and will provide key strategic policies for Rugeley Town Centre but will delegate the detail of these policies and their implementation to a new document. The proposed replacement documents pertaining to Rugeley Town Centre and Cannock Town Centre will not be Development Plan Documents and consequently will not be referenced in the LDS. Details of replacement policy documents will be provided on the Council’s website and will be separate to the Local Plan.
- 3.5 Legislation⁴ clarifies that the term Local Plan applies to DPDs only. The Local Plan is therefore the collection of DPDs which may be one document or it may be several.

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

³ Council, 21st February 2018

3.6 Supplementary Planning Documents (SPDs) are not part of the Local Plan, nor are they considered to be development plan documents as they supplement adopted policy. 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

New Local Plan (Local Plan review)

Adoption Target 2022: A full timetable for the production of the Local Plan can be seen in Figure 1.

Coverage: Cannock Chase District (Map at Appendix A)

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

Scope: The new Local Plan will replace the adopted Local Plan Part 1 and previously intended Local Plan Part 2, will set the context for delivering growth, set out and describe a spatial strategy, present strategic and detailed planning policies to manage change, will allocate and safeguard land for different types of development and establish a monitoring framework.

Figure 1: Local Plan Preparation Timetable

Document	Preparation Stage	LDS Target Date
New Local Plan	Issues & Options consultation	May/June/July 2019
	Preferred Option Consultation (non statutory stage)	July/August 2020
	Pre-Submission (Regulation 19) consultation	February 2021
	Submission	August 2021
	Examination in Public	November 2021
	Adoption	July 2022

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. Time has been factored in with the best possible information available at the present time to enable these changes to be considered but it needs to be acknowledged that changes may need to be made to the timetable again depending on what transpires.

- 4.2 Appendix B sets out a risk register 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.
- 4.3 Appendix C sets out the resources in relation to Local Plan production.
- 4.4 Missed milestones from the previously published LDS in 2018 have been due to various factors including:
 - Vacancies that have arisen through recent retirements and redeployment of technical assistant into a new post (below) as well as the Planning Policy Manager leaving in March 2019 to take up a new position. A Planning Policy Manager has been recruited and took up the position in July 2019. There are still a number of vacancies to fill and these will be advertised as soon as possible.
 - Increasing workload in relation to Neighbourhood Plans.
 - Recruitment of a Planning Obligations Officer and putting in place procedures to deal with contributions received and governance arrangements to enable allocation.

5. PROGRESS REPORTING

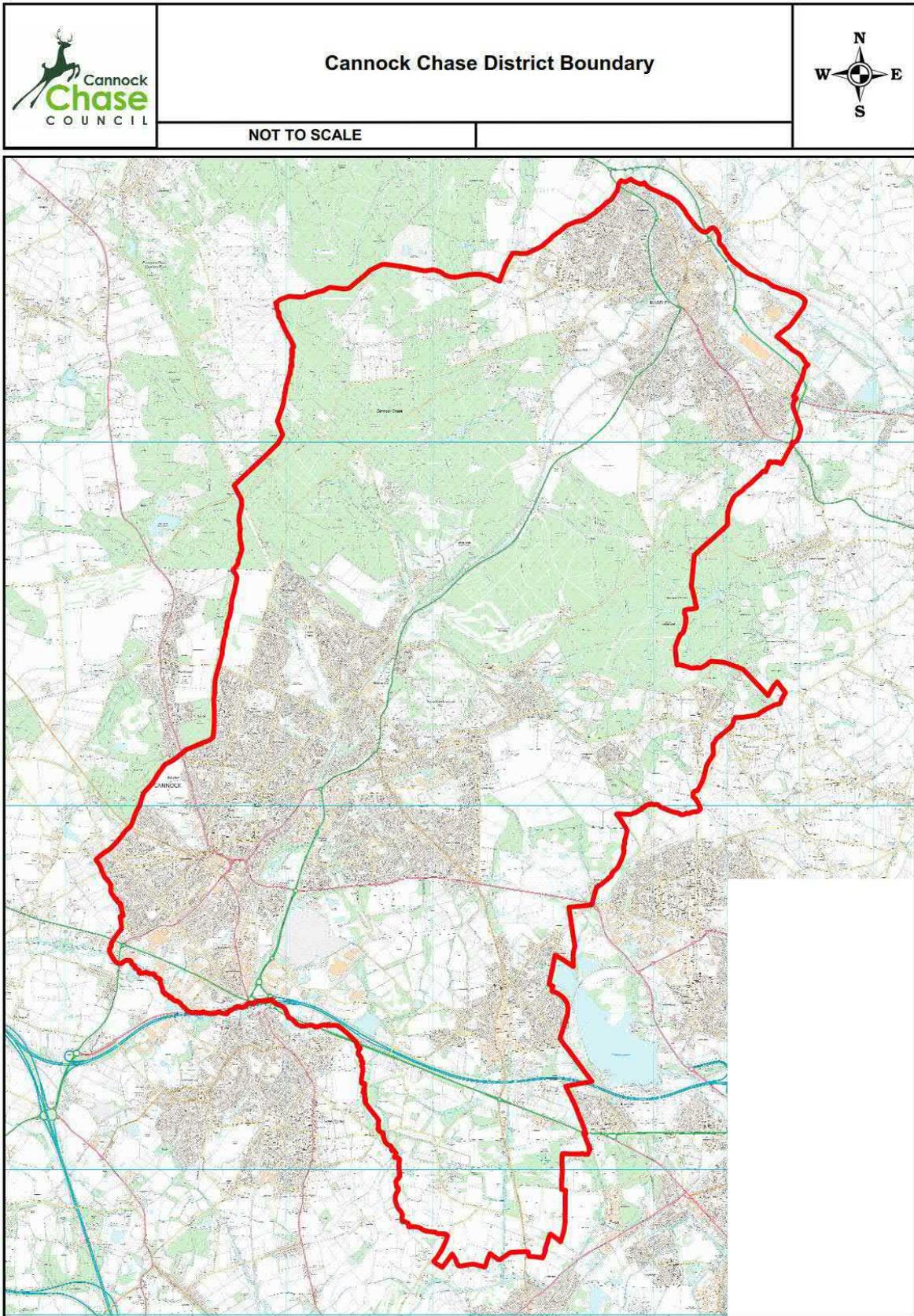
- 5.1 The Council produces the Authorities Monitoring Report (AMR) each year, covering the 'monitoring year' (of the preceding April-March period). The AMR sets out the list of documents that are included within the LDS, their timetable for preparation, the stage they are currently at, and if they are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

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. A new LDS must be approved by Council.

6.2 In terms of changes to the previous LDS, the details can be seen at www.cannockchasedc.gov.uk/planningpolicy The LDS page also provides a link to the relevant Cabinet Report (Cabinet 17th October 2019 and Council 6th November 2019). The scheme has been amended to reflect what is legally required of a LDS, and streamlined accordingly to set out the project plan for the Development Plan Documents which are being produced by the District Council i.e. the Local Plan The previous LDS included SPDs but these have been omitted from this updated version as there is no legal requirement to include them, and all relevant information can be found on the Planning Policy web page.

APPENDIX A: AREA COVERED BY THE NEW LOCAL PLAN



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APPENDIX B: RISK

The Council has produced a business plan approach to service delivery and identifies some of the key risks 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.

- **STAFFING AND RESOURCES** - One of the most important factors in the production of the Development Plan is that of staffing. The timescales for preparation identified are based on an assumption of full staffing. Furthermore, consultants are relied upon for production of the evidence base where specialist expertise is needed and the plan is dependent upon consultants meeting required deadlines. It is important to use resources effectively and efficiently, having clear priorities which are supported corporately.
- **THE POLITICAL PROCESS** - The active involvement of Members is important to the successful progression of the Development Plan. A cross party Local Plan Working Group works jointly with officers to help progress the Local Plan through its various stages and helps to ensure early understanding of and buy-in to the plan along with helping to anticipate some of the challenges which might occur and where possible to mitigate accordingly.
- **DUTY TO CO OPERATE** – with the increasing emphasis on partnership working across wider housing market areas to deliver a cumulative shortfall, many different local authorities with different political balances are having to work together to address strategic issues in the absence of a higher tier of planning (ie the former ‘region’). This has proven complex and whilst the Government is seeking solutions this matter has not yet been resolved. To mitigate for this the Council needs to be proactive and engage positively in cross boundary discussions and actions.
- **NATIONAL POLICY CHANGE** – The Government could propose further changes to the national planning system and depending on the extent of these changes this may require further revision to the timetable should further evidence etc be required.
- **PLANNING INSPECTORATE** – The timetabling and requirements of the planning inspectorate are beyond the Council’s control and the Council will have to be reactive once the plan is submitted for examination.
- **ASSESSMENT OF ‘SOUNDNESS’ OF DPDs** - As the ‘soundness of the plan’, will be tested at Examination, the Council will seek to have a ‘health check’ of its plan at appropriate stages.

- **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.

APPENDIX C: RESOURCES

The Departmental Structure involving officers' time in the production of the Development Plan (including SPDs, monitoring, evidence base) is approximately as follows:-

Officers	Full / Part time	% time spent on the Local Plan
Planning Services Manager	Part time 3 days per week	15% pro rata
Planning Policy Manager	Full time – newly filled post	70%
Principal Planning Officer	Part time 4 days per week	70% pro rata
Principal Planning Officer	Full time - Vacant	40%
Senior Planner	Part time - Vacant	75%
Planning Assistant	Full time	80%
Technical Assistant	Full time – Vacant	60%

Note: a team restructure will be carried out and the new team structure may be different to the one shown above.

APPENDIX D: 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.
Authorities 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.