

Cabinet – 10 September 2014

Walsall's Local Plan – Review of Local Development Scheme

Portfolio: Councillor M Nazir, Deputy Leader, Regeneration

Service: Planning and Building Control

Wards: All

Key decision: No

Forward plan: No

1. Summary of Report

- 1.1 Local Planning Authorities are required to prepare and maintain a scheme (the Local Development Scheme – LDS) that sets out what local plan documents it has, and its programme for preparing and revising them. Cabinet agreed in February 2014 to update Walsall's LDS. The main change was a revision to the timetable for the preparation of the Site Allocation Document, Area Action Document for Walsall Town Centre and Community Infrastructure Levy (CIL) Charging Schedule. Since then it has become apparent that the work needed to procure evidence in support of these documents will take longer than anticipated. It is therefore necessary to request a further revision to this timetable. However, this technical work will help to ensure the documents are robust and will stand up at examination.

2. Recommendations

- 2.1 That Cabinet endorses the amended LDS set out below and attached as the appendix to this report, in accordance with Section 15 of the Planning and Compulsory Purchase Act 2004.

3. Report Detail

- 3.1 In June 2011 Cabinet approved the preparation of three documents:
- a) A Site Allocation Development Plan Document (SAD) to allocate sites for development for housing, employment and other uses across the borough (except for town and district centres);
 - b) An Area Action Plan (AAP) for Walsall Town Centre, to allocate sites for development and to propose improvements to support the town centre; and

- c) An Infrastructure Plan and a Charging Schedule, to support the introduction of a CIL regime.

At that time it was anticipated that consultation about the Issues and Options report for the SAD and AAP would take place between October 2011 and February 2012, consultation about the Preferred Options report between March and August 2012, the examination between April and August 2013, and adoption by the Council in November to December 2013.

- 3.2 Unfortunately there has been considerable slippage in this programme. Consultation about the Issues and Options Report took place between April and June 2013 and it is currently anticipated that consultation about the Preferred Options report will take place in the late summer of 2015. The latter represents a slippage of 12 months compared with the proposed timetable reported to Cabinet in February 2014. The timetable up to adoption of the two documents is currently anticipated to be as follows:

LDS PROGRAMME SUMMARY – 2014-2016

Preparation of Site Allocation Document and Walsall Town Centre Area Action Plan

<i>Issues and Options</i>	
<i>Issues and Options Reports Public Consultation</i>	<i>22nd April - 3rd June 2013 - 6 weeks consultation</i>
Preferred Options	
Cabinet	June/ July 2015
Preferred Options Reports Public Consultation	August - September 2015 - 6 weeks consultation (may be extended)
Towards Publication, Examination and Adoption	
Cabinet (if no further evidence / consultation required)	January 2016
Publication (final draft plan) Public Consultation	February 2016 - 6 weeks consultation
Council Approval for Submission	June 2016
Submission to Secretary of State	July 2016
Examination (by Planning Inspector)	Autumn 2016
Adoption (by Council)	End 2016

It is intended that work will progress on a CIL Charging Schedule in parallel with the above.

- 3.3 There are a number of reasons for this delay. These include:
- a) the need for officer resources to be diverted to respond to consultations and draft documents prepared by outside bodies. These include changes to planning legislation proposed by the Government, and Birmingham's Local Plan. Some of these initiatives have the potential to

harm Walsall's interests, including undermining the regeneration of the area and placing the Green Belt at risk.

- b) preparation of the SAD and AAP has proved to be more complex than anticipated. Development of the database has identified over 1500 potential sites to be considered for allocation for various uses, including housing, employment and open space. These sites need to be assessed against dozens of issues, including flood risk, ground conditions and highways implications.
- c) The National Planning Policy Framework requires authorities to demonstrate that local plans are deliverable. It has therefore been necessary to commission consultants with the necessary skills in assessing site viability. The legal and practical requirements of the procurement process, the possible need to adjust the proposals in the draft plans to take account of the outcome of their work, and the need to fit the subsequent reporting process into the annual timetable for Cabinet and Council meetings, mean that a more robust timetable for subsequent stages has had to be produced.

3.4 It is this procurement process that is the main reason for the further delay in the timetable since the last report to Cabinet in February 2014. However, the evidence to be produced about site viability and deliverability should help to reduce the likelihood of the development plan documents and the CIL charging schedule being challenged at examination.

3.5 There is always uncertainty in the preparation of local plan documents. Legislation and national policy advice require that the documents are based on evidence: Much of this evidence will only become available as the documents are progressed. Some 200 representations from statutory consultees, neighbours and other interested parties were received in response to the Issues and Options consultation: these representations need to be examined and the issues raised addressed in the documents.

3.6 The revised timetable set out above is therefore only the current estimate of the anticipated timetable. It is expected that a further update to the LDS will be made following consultation on the Preferred Option reports.

4. Council Priorities

4.1 The Local Plan provides the statutory framework within which the Council should make decisions about the use and development of land.

5. Risk Management

5.1 Failure to have a local plan that is based on sound evidence could result in the borough having insufficient land to meet the need for housing, employment and other land uses that are necessary to support the economic and environmental well-being of the area. It could also result in development being placed in the wrong locations, leading to an inefficient use of resources, traffic

congestion and other harm. Having a local plan in place is also essential in order to defend the Council's position in planning appeals.

6. Financial Implications

- 6.1 None arising from this report or its recommendation. In approving the preparation of the SAD, AAP and CIL charging schedule in June 2011, Cabinet endorsed the spending of an estimated £90,000 - £130,000 on evidence, consultation and publication examination of the proposed plans. This is to be funded from New Homes Bonus that the Council has successfully attracted.

7. Legal Implications

- 7.1 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to prepare and maintain a local development scheme. Previously, it was necessary to submit the LDS to the Secretary of State. Under the Localism Act this is no longer necessary, however the local planning authority must still resolve that the scheme is to have effect and the date from which the scheme is to have effect.
- 7.2 Under the Town and Country Planning (Local Planning Regulations) 2012 (Regulation 5), any document that allocates sites for particular types of development has to be a local development document (otherwise known as a local plan). This means the proposed documents will have to be prepared according to requirements set down in legislation (including the Planning and Compulsory Purchase Act 2004, the Planning Act 2008, related regulations, EU Directives especially on Strategic Environmental Assessment and on Habitats) and Government Policy (particularly in the National Planning Policy Framework). Any document also has to be consistent with the Black Country Core Strategy.
- 7.3 The preparation of an Infrastructure Plan and Charging Schedule should follow the Community Infrastructure Levy Regulations 2010 and subsequent amendments.
- 7.4 The need to follow the statutory and policy requirements has informed the work programme, including the need for various assessments, for evidence and for public involvement. This should help to ensure that the proposed plans will be sound and should help to deliver the Black Country Core Strategy.

8. Property Implications

- 8.1 There are no specific property implications arising from the report. However, one of the aims of the SAD and AAP will be to ensure land is allocated to meet the future land and property requirements of the Council and its partners in the most appropriate locations.

9. Health and Wellbeing Implications

- 9.1 One of the objectives of the SAD and AAP will be to ensure that the siting of new developments contributes to the health and well-being of residents of the borough, for example by being located where they can be accessed by walking and cycling. Preparation of the SAD and AAP includes the carrying out of an integrated Sustainability Appraisal, Equality Impact Assessment and Health Impact Assessment.

10. Staffing Implications

- 10.1 The majority of the work is being carried out by officers in the Planning Policy Team with others in the Regeneration Directorate together with other officers on a range of matters including health, education, community facilities, transport and other infrastructure. Some independent expert advice is being commissioned, notably on investment interest and the land and property market in the borough, and the implications for the EU Habitats Directive.

11. Equality Implications

- 11.1 Preparation of the SAD and AAP includes the carrying out of an integrated Sustainability Appraisal, Equality Impact Assessment and Health Impact Assessment. One of the objectives of the SAD and AAP will be to ensure that jobs, homes and services are provided for all residents of the borough including groups such as gypsies and travellers.

12. Consultation

- 12.1 The local plan documents are being prepared in accordance with the approach to community involvement as set out in legislation and national policy, and in the Council's Statement of Community Involvement.

Background papers (all published)

Black Country Core Strategy

"Saved" Policies of Walsall's Unitary Development Plan

National Planning Policy Framework

Cabinet Report, 5th February 2014: Review of Local Development Scheme

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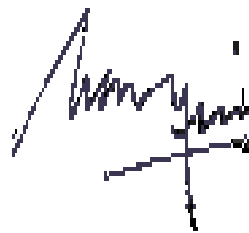
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1 September 2014



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1 September 2014