

COPELAND LOCAL PLAN 2016 MODIFICATIONS & REVISED LOCAL DEVELOPMENT SCHEME

EXECUTIVE MEMBER: Cllr Geoff Blackwell

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Summary: To consider recommendations from the Local Plan Working Party and Officers on Modifications to the Local Plan and on a revised Local Development Scheme which sets out a 3 year programme of work in accordance with the new statutory development plan requirements

Recommendation:

- a) That the Council approves The Modifications as set out in the "Schedule of Proposed Modifications, "March 2006" and for these to be placed on formal deposit for 6 weeks alongside The Inquiry Inspector's Report and other supporting documentation commencing 6th April.
- b) That subject to no objections to the deposited modifications being received during the 6 weeks period the Council confirms that it is its intention to Adopt the Plan as modified within 28 days of the end of the deposit period.
- c) That should there be objections to the modifications received during the deposit period that meetings of The Local Plan Working Party and Full Council be arranged to consider them and to further deal with The Local Plan's Adoption process.
- d) That Council approves the programme of work set out in section 2 of this report to be incorporated into a Revised Local Development Scheme and for this document to be formally submitted to the ODPM
- e) That the Council approves the use of £23,000 earmarked reserve set aside as a result of carry forwards from 2004/05 as part of the financing of the programme of work.

Impact on delivering the Corporate Plan:

The Local Plan and subsequent Development Plan Documents are statutory requirements which directly assist delivery of 2020 objectives. The sustainability appraisals also incorporate tests of soundness against the main corporate objectives.

Impact on other statutory objectives (e.g. crime & disorder, LA21):

Planning policy development assists a variety of social and economic strategies and plans, particularly the Community Strategy.

Financial and human

Financial: The estimated expenditure required to deliver the

resource implications: 2006/07 element of the revised Local Development Scheme is £118k. Financing includes Planning Delivery Grant (£55k), earmarked reserve (23k) and the approved 2006/07 revenue budget (£40k).

Human resource implications are outlined in paragraph 2.2 below. Essentially the work programme for the Local Development Scheme assumes that the Council is successful in recruiting at least one additional full time planning professional which is provided for in the approved structure. This will bring the section's strength up to 3.25 FTEs with an additional 0.5 FTE still to be recruited.

Project & Risk Management: A PID document had been approved for the Local Plan but a separate PID document will have to be prepared for the new Local Development Framework in due course. At this stage submission of the Local Development Scheme is a requirement for submission before the end of March 2006 and may be a criterion in the award of Planning Delivery Grant for 2006/7. This external funding is essential to operating the planning and regeneration service incorporated in the Council's new structure.

Key Decision Status

- **Financial:** Yes
- **Ward:** Yes although excludes ward in the National Park

Other Ward Implications: None

1. COPELAND LOCAL PLAN 2016

- 1.1 The Local Plan is the Council's principal policy document in relation to the use and development of land. It provides an essential framework for assessing planning applications and assists co-ordination of investment decisions in the Borough area outside the National Park. (A separate Local Plan is prepared for the Park as a whole).
- 1.2 The current Local Plan was adopted in 1997 and is now in the process of being replaced. We are nearing the end of that process: two drafts or "Deposit" versions have been out to wide consultation during 2004 and 2005 and the Council has considered over 1500 objections and expressions of support. Revisions to text and policies have been incorporated wherever possible along with changes to accord with new government policy statements, Regional Planning Guidance and the Joint Structure Plan.
- 1.3 All outstanding objections which the Council was not able to resolve were examined by an independent Planning Inspector at a 3 week Public Inquiry last September/October. Some of the objectors elected to have their cases heard by the Inspector, most were content to rely on written submissions.

- 1.4 The Inspector has delivered his report on all the objections and expressions of support which includes a series of recommendations on further changes to text and policies. It is up to the Council now to assess those recommendations and decide whether it wishes to make the changes recommended. Such changes are formally termed “Modifications” and the Council has to publish a schedule of its Modifications together with the Inspector’s report and invite interested parties to inspect the material. The Council also has to draw attention to any matters which it is treating differently from the Inspector’s recommendations and give reasons why. There is a further deposit period of 6 weeks during which people can submit objections. However, these can only relate to the Council’s Modifications which differ from the Inspector’s recommendations or which have introduced new issues not previously covered in the process.
- 1.5 The Council then has to decide whether any of the objections warrant holding a further Inquiry. If not, and if it decides not to make any further Modifications to the Plan it has to give formal notice that it will Adopt the Plan after 28 days.
- 1.6 It is important to ensure that the Plan is Adopted before 22nd July when new requirements for Strategic Environmental Assessment are triggered. An unadopted Plan at this stage would require a wholesale reappraisal/re-write and a further Inquiry.
- 1.7 The timetable is therefore extremely tight which is why the Local Plan Working Party had to meet soon after receipt of the Inspector’s report and why a Full Council Meeting has had to be specially scheduled. If Members agree the recommendations in this report the Modifications would go on deposit between 6th April and 19th May. At this stage the Council gives notice of its intention to Adopt the Plan with the Modifications 28 days after the deposit period finishes unless objections are received. If objections are received they will have to be assessed by the Local Plan working Party and it will again make recommendations to Full Council. It is hoped to arrange meetings of the Working Party and Council during late May/early June to deal with these matters so that the latest date for Adoption would be early July.
- 1.8 Copies of The Inspector’s Report and the Council draft schedule of Modifications are available for reference in the Members’ Room and on the Intranet. There is other supporting documentation including schedules of Pre-Inquiry Changes (PC numbered items) and Inquiry Changes (IC numbered items) to which the Inspector refers in his report. These were compiled by Officers as a result of meetings with objectors either just prior to, or at the Inquiry. Such meetings are expected by Inspectors as a means of reducing Inquiry time and changes are only submitted where the Council’s policy position is not unduly weakened. There is a particularly large Inquiry change (IC001) that had to be compiled as a result of the Housing Roundtable Session and this is the text on which the Inspector bases his recommendations for sections 4.2 and 4.3 of the Housing Chapter.
- 1.9 For the most part the recommendations from the Local Plan Working Party in the draft schedule of Modifications follow those of the Inspector in his numbering sequence, prefixed always by an ‘R’. The Inspector’s Report should be referred to initially to find the subject of interest or particular objection (index at the back of his Report) then use the ‘R’ numbered reference in the draft schedule of Modifications to check the terms of response. Quite often The Working Party’s recommendations are longer because new pieces of text and policy have had to be compiled along the lines suggested by the Inspector (he does not always supply the actual re-wording required). If he has

recommended that no Modification should be made to accommodate an objection this is confirmed in the draft schedule as “No Modification” and the existing text and /or policy in the Second Deposit (2D) version of the plan stands.

- 1.10 Where the Working Party takes a different line from the Inspector its recommendation in the schedule for either “No Modification” or “Modification” is shown bold. These items and the reasons for not following the Inspector’s recommendations will also be separately shown in the Modifications “Pack” which goes on deposit. The items where there is a difference of opinion are :

R2.9.1 West Cumbria Community Strategy citation

R3.11.1 Proposal to delete Bigrigg, Lowca and Moor Row from the list of Local Centres

R5.23.1 Whitehaven Town Centre Boundary Change

R5.25.1 Whitehaven Town Centre Primary Shopping Area designation

R9.5.1 Wind Energy Policy

- 1.11 The most significant Modifications involve the following:

- A major revision to housing land allocations and annual figures for housebuilding to bring these more in line with national and regional guidelines. This includes high brownfield targets (70%) and encouraging higher densities. The revised allocations involve reductions on some sites eg Red Lonning or entire deletion eg at Galemire and Lamplugh (where Local Centre status is also to be deleted) New sites are recommended adjoining Seascale School and at Cleator. There are also new phasing arrangements.
- All the employment site allocations are re classified with new phasing arrangements and (hopefully) clearer explanations for choices.
- The designation of Leconfield Industrial Estate in Cleator Moor as a new Employment Opportunity Site.
- The town centres and retailing policies are re formatted and revised to better accord with new government guidance. Changes to the Whitehaven town centre boundary and a possible definition of a Primary Shopping area are not, however, incorporated because of the current sensitivity created by planning applications and because the intended Action Area Plan for the town centre and harbour (see Local Development Scheme later in this report) will address these more appropriately after full consultation. The Town Centre Opportunity Development Sites are also reformatted and suggested uses for these sites are also deleted in line with the Inspector’s recommendations. This deletion includes the specified use for the Mark House site as a hotel. Reference to hotel use will still be made in the text of the Council’s preferred option but again the new Action Area Plan will cover the policy “gap”.
- There are improvements to Policy RUR1 which deals with farm diversification and other economic development in rural areas.
- There is a new criteria – based policy for renewable energy development in line with the government’s recent policy statement and a new energy conservation/efficiency policy.

- The addition of one or two small areas within Settlement Boundaries
- Policy changes to required enhancement of biodiversity as well as protection

All the Inspector's recommendations were discussed by The working Party and for the most part the wording of responses in the draft schedule of Modifications are The Working Party's recommendations. Because of time constraints, however some wording followed The Working Party's meeting and is therefore officer – recommendation. In this bracket are:

R.5.20 – 38 Town Centres and Retailing

R6.22.1 Woodlands

R7.3.1 Transport Strategy

R8.11.1 Satellite Dishes

R9.1.1 New Policy on Renewable Energy

- The addition of one or two small areas within Settlement Boundaries
- Policy changes to required enhancement of biodiversity as well as protection

2. LOCAL DEVELOPMENT SCHEDULE

Reasons for Revision

- 2.1 The Planning and Compulsory Purchase Act of 2004 introduced a new system for development planning. At the District level the Council is responsible for preparing a new set of policy and proposals documents which make up the Local Development Framework.
- 2.2 The Council's work programme for its Local Development Framework is set out in the Local Development Scheme (LDS). The first version of this document was approved by Council on 11th March 2005 but it is now necessary to update it and revise the programme in the light of the following:
 - Resources – The team responsible for work on the Local Development Framework has been reduced to one professional planner and a senior planning technician since last October – effectively this is 1.25 FTE's because of other duties. There is approval for an additional 2.5 FTE's in the establishment but there has been great difficulty in recruiting new professionals at a time when so many other authorities are looking to attract similarly qualified staff. A new Trainee Planner will start in May. It means that we have not been able to keep the current LDS programme entirely on track (although the principal item, the Replacement Local Plan is on schedule) and for the Revised LDS programme we will be exploring the potential for joint working with other Council departments and local authorities and looking to outsource some of the work projects, including technical evidence-base material as well as planning documents.

- **Monitoring** – The Annual Monitoring Report in December 2005 was undertaken as part of the LDS. It was an opportunity to reappraise the priorities for planning documents at the local level in the light of progress with national, regional and sub-regional (County) policy-making alongside the developing requirements of our various regeneration programmes. The failure to make progress with work on the latter is all too evident in the current programme and we urgently need to address this to ensure that funding and investment opportunities are not jeopardised. We are therefore recommending the production of Supplementary Planning Documents (SPDs) for the most pressing regeneration schemes which will be based on the studies/action plans already prepared for the Council and its partners. These are at Whitehaven (Pow Beck Valley), Millom and Egremont, with a similar approach envisaged for Cleator Moor later. The SPDs are not as robust as a fully fledged Development Plan Document but are a useful design/co-ordinating tool incorporating sustainability assessments and community involvement in their production. They can also be completed within 6/12 months.
- **Inspector's Report** – The LDS Revisions have had to await the recommendations of the Inspector who conducted the Local Plan Inquiry. We have now received the Inspector's report and are proceeding with the Plan's Modifications stage. The Inspector has recommended that we fairly rapidly undertake two SPDs on housing matters (design quality and management of supply), deliver the promised DPD on open space and recreation and ensure that there is early attention to filling the gaps in the evidence-base for both the Local Plan and later DPDs. Items are shown in the work schedule below with an indication of who will undertake the work. Fundamentally the Inspector has only accepted the Local Plan in its Modified form on the understanding that it only has a short shelf life and that the Council will be producing the new Local Development Documents at the requisite pace.

The Revised Work Programme

- 2.3 As noted, the **Replacement Local Plan** is now moving through its Modification stage and it is hoped to have it adopted in June 2006. It will then be "saved" as the Council's principal development strategy and planning policy document until June 2009. In the interim the Council is expected to make progress on the new-style documents which will replace the Plan beginning immediately with the **Statement of Community Involvement**, followed by a **Core Strategy** and a new **Housing and Employment Allocations** document. The Council's in-house planning policy team will be responsible for the production of all these items subject to its achieving establishment-size through recruitment or secondment. There is risk of slippage in the programme otherwise
- 2.4 The **Open Space and Recreation DPD** is required to meet a deficiency in the Replacement Local Plan and needs to be completed as quickly as possible. This is envisaged as in-house work in combination with the Environment and Leisure Services Department.

- 2.5 The **Area Action Plan DPD for Whitehaven Town Centre and Harbourside** will be based on the consultants' "Development Framework" produced over the last 6 months or so. This will reduce the amount of pre-production work to some degree but new work on sustainability assessment and option appraisal will be necessary. Similarly, work on a **West Whitehaven Area Action Plan** will be informed by a previous study (Pow Beck and Coastal Fringe Masterplan) and 3 ongoing projects: Whitehaven Coastal Project, Reclamation and Reuse of the former Rhodia (Marchon) Works and the Woodhouse/Greenbank/Kells Housing Market Renewal study. It is expected that these items will require additional services outside the planning policy team.
- 2.6 **The SPDs for Pow Beck Valley, Whitehaven and Millom and Egremont** are to be based on previous regeneration masterplanning studies and the policies in the Replacement Local plan. As noted above they need early attention to ensure that funding via the urban regeneration company and Market Towns Initiative is assisted. Production of the SPDs will be assisted by dedicated MTI staff and the Council's partners so additional outside services are unlikely to be required. A similar approach is envisaged for **Cleator Moor** once new regeneration strategy arrangements are agreed. In the meantime the County Council is co-ordinating production of **SPDs on Landscape Character, Wind Energy and Sustainability Appraisal** which are likely to involve a Joint Committee for Cumbrian Authorities. Copeland BC has yet to consider this aspect of production.
- 2.7 **The Housing Design Quality and Supply Management SPD** will of necessity have to be outsourced if we are to have it available for early use by the Council's Planning Panel but it may be a jointly commissioned piece of work with Allerdale Borough Council
- 2.8 The policy team still have to produce the **Annual Monitoring Report** which will take up a fair amount time between April and December each year. It will also be responsible for updating **The Proposals Map** with each piece of work on the DPDs and for updating the planning policy pages on the Council's web-site.
- 2.9 The priority areas for the **Evidence Base** are:
- An updated Urban Capacity Study
 - The Housing Needs Assessment (joint Housing Strategy work)*
 - A Strategic Flood Risk Assessment*
 - Open space/recreation survey
 - 5-10% Housing Stock Survey*
 - Research on Planning Obligations
- 2.10 Additional items are:
- Landscape Character Assessment (Cumbria CC)
 - Ongoing housing and employment land availability (joint councils)
 - Conservation Area Reviews*
 - Balancing Housing Markets Study*

*The Council will have to consider outsourcing these items. Those with brackets indicate existing agreed responsibilities. Where possible the work will be undertaken on a West Cumbria level, jointly actioned with Allerdale BC and or Cumbria CC.

Financing the 2006/7 Programme

2.11 Details of estimated expenditure required to deliver the programme and how this is to be financed is set out in the table below. Financing of £55k will come from PDG. Approval is sought from Members to utilise £23k of an earmarked reserve set aside as a result of carry forwards from 2004/05. £40k has been previously approved by Members as part of the Council's Revenue Budget for 2006/07.

Estimated Expenditure	Amount £k
Local Plan Adoption	10
Other internal DPDs and SPDs	18
Externally sourced DPDs	70
Priority Evidence Base items	20
TOTAL	118

To be financed from:	Amount £k
Planning Policy 2005/6 earmarked	23
Planning Policy 2006/7	40
Planning Delivery Grant	55
TOTAL	118

Post 2006

The LDS Gantt Chart shows a work programme for the period 2006 to 2009 (Appendix A). There are a number of imponderables outside the immediate areas of planning policy and its management which could affect the programme. However, there is one significant piece of work which will have a direct bearing on the type, scale and timing of planning documents over the next few years. This is the **Spatial Masterplan for West Cumbria** which is currently being commissioned by the West Cumbria Strategic Forum. A thorough-going review of this LDS is almost certainly going to be required as a result.

List of Appendices

Appendix A – Draft LDS Chart

List of Background Documents: Reference material as described in the report is available in the Members room and on the Intranet.

List of Consultees: Corporate Team