

WYRE FOREST DISTRICT COUNCIL**CABINET**
24th NOVEMBER 2009**Wyre Forest District Local Development Framework
Core Strategy - Submission**

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	All themes
CORPORATE PLAN AIM:	Multiple
CABINET MEMBER:	Councillor Stephen Clee
DIRECTOR:	Director of Planning and Regulatory Services
CONTACT OFFICER:	Rebecca Mayman– Principal Forward Planning Officer- Ext 2554 rebecca.mayman@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 – Draft Publication Core Strategy (to follow) Appendix 2 – Sustainability Appraisal Report Appendix 3 – Publication & Submission Arrangements <i>The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details).</i>

1. PURPOSE OF REPORT

- 1.1 To seek the Cabinet's endorsement of the Core Strategy and its accompanying Sustainability Appraisal for pre-submission publication and submission to the Secretary of State. The Cabinet is also asked to authorise Officers to undertake the necessary arrangements for pre-submission publication and submission.

2. RECOMMENDATION**2.1 The Cabinet is asked to RECOMMEND to Council that:**

1. The Core Strategy (attached at Appendix 1 to this report), be approved for pre-submission publication and subsequent submission to the Secretary of State in accordance with the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.
2. That authority to make any necessary changes to the Core Strategy prior to or resulting from pre-submission publication be delegated to the Director of Planning & Regulatory Services in consultation with the Cabinet Member for Regeneration & Economic Regeneration.
3. That the Director of Planning & Regulatory Services be given delegated authority to determine the final format and presentation of the Core Strategy.

and to **DECIDE** that:

- 4 **The arrangements for the pre-submission publication and submission of the Core Strategy be undertaken in accordance with Appendix 3 to this report.**

3. **BACKGROUND**

- 3.1 Following the introduction of the new planning system in September 2004, the District Local Plan (January 2004) is being replaced with the Local Development Framework (LDF). The LDF will be made up from a portfolio of Development Plan Documents (DPDs), which will provide the development blueprint for the District to 2026. The first of these documents to be produced is the Core Strategy.
- 3.2 The Revised Local Development Scheme (LDS) (August 2008) sets out the key milestones for the production of the Core Strategy. The next key milestone in the Core Strategy's preparation is Submission to the Secretary of State.
- 3.3 The Local Development Framework Core Strategy Review Panel has considered in detail the development of the Core Strategy Publication version; the accompanying Sustainability Appraisal and pre-submission publication arrangements at a series of meetings throughout October. Following this the Community and Regeneration Committee also received a report at its meeting on 11th November. Recommendations from this Committee will be reported at the Cabinet meeting.

4. **KEY ISSUES**

Core Strategy

- 4.1 The Core Strategy is the key strategic level document within the LDF and has a central role in the process of place shaping. It will set out the broad strategy and vision for development within the District up until 2026. The Core Strategy needs to be prepared in general conformity with the Regional Spatial Strategy (RSS). Due to its strategic and overarching nature it will set the context for the more detailed, site specific elements of the LDF which will be contained in the Site Allocations & Policies and Kidderminster Central Area Action Plan DPDs. Furthermore, it must help to deliver the priorities set out in the District's Sustainable Community Strategy (SCS).

Producing a "Sound" Core Strategy

- 4.2 Prior to its adoption, a DPD must be subjected to independent examination in order to check that it has complied with legislative requirements. As part of the examination, the Inspector must determine whether the plan is "sound" (i.e. that it is justified, effective and consistent with national policy). The Publication Version of the Core Strategy has therefore taken full account of the evidence base documents; the Sustainability Appraisal process and national and regional planning policy.
- 4.3 Throughout the production of the Core Strategy, Officers have followed emerging good practice and maintained discussions with the Government Office for the West Midlands (GOWM) and the Planning Inspectorate (PINs). Officers took part in the PINs Support Programme, which is an initiative to provide support and advice to Local Planning Authorities as they produce their LDFs. This helps to reduce the extent and range of issues that have arisen through the examination process.

- 4.4 A meeting with representatives from PINs and GOWM was held on 27th October to discuss the Draft Publication Core Strategy. The meeting did not raise any fundamental issues that would affect the Core Strategy's production timetable. However, the Inspector raised a number of important points, which Officers consider would add to the robust nature of the Core Strategy. These were reported to the Community and Regeneration Committee Meeting on 11th November and have been incorporated into the Draft Publication Core Strategy.

Frontloading

- 4.5 An important factor in demonstrating the soundness of a DPD relates to being able to show wide public engagement in its development. Public consultation is required by Regulation 25 of The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.
- 4.6 Extensive public consultation has been undertaken during the Core Strategy's development in accordance with the Council's Adopted Statement of Community Involvement. To recap, consultation stages have taken place as follows:
- An Issues and Options Paper was published for consultation purposes in July 2007.
 - A further consultation on a Revised Issues and Options paper took place in January 2008.
 - The Preferred Options Consultation Paper was published in January 2009. Over 500 responses were received and these were reported to Members in April.

This early "frontloading" process will help to minimise the number of representations received at the Publication Stage.

- 4.7 During the last stage of Consultation – the Preferred Options, over 500 responses were received. All responses to the Core Strategy have been fully considered by Officers, when developing the policies in the Publication version of the document.

A Robust Evidence Base

- 4.8 Planning Policy Statement 12: Local Spatial Planning indicates that "*Core Strategies must be justifiable: they must be founded on a robust and credible evidence base.*" To achieve this Local Planning Authorities are required to maintain an up-to-date information base on key aspects of the social, economic and environmental characteristics of their area. The Policy and Regeneration Section has commissioned a number of studies to inform the preparation of the LDF. Officers are also finalising a number of in-house documents such as the Strategic Housing Land Availability Assessment and the Employment Land Review. Comprehensive details of the Evidence Base documents can be found in the Local Development Framework Core Strategy Review Panel Agenda dated 14th October 2009.

Sustainability Appraisal

- 4.9 All DPDs are required to undergo Sustainability Appraisal (SA) as an integral part of their development. SA is a process which enables Local Planning Authorities to assess to what extent their DPDs meet the Government's sustainability objectives. The SA for the Core Strategy has been undertaken in a number of stages and the following reports have been produced:
- SA Scoping Report (March 2007)
 - Revised SA Scoping Report (July 2007)
 - Initial SA Report (January 2008)
 - Draft SA Report (January 2009)
- 4.10 All of the above reports were produced in-house. As the SA work had been carried out by Officers who were also producing the Core Strategy, it was considered necessary to commission consultants to undertake an independent check of the work. The consultants report was published in June 2009 and its recommendations have been considered in the development of the Final SA Report.
- 4.11 The Final SA Report tests the options and the publication policies against the SA Framework and identifies potential positive and negative impacts arising from them. The results of the SA have informed the development of the Publication Core Strategy. Mitigation measures have been put forward to address any possible negative effects arising from the core policies. A set of monitoring indicators have been developed to monitor progress against the SA objectives, wherever possible, these indicators overlap with those put forward for monitoring the policies set out within the Core Strategy. A copy of the Final SA Report is available electronically (Appendix 2)

National and Regional Planning Policy

- 4.12 The Core Strategy needs to be consistent with national and regional planning policy, unless local circumstances as demonstrated in the evidence base documents justify a departure. It is also important that the policies within the Core Strategy do not simply repeat national and regional planning policies, which are already a material consideration within the planning process.
- 4.13 The Council is required to make a request to the West Midlands Regional Assembly (WMRA) seeking advice as to the proposed submission document's conformity with the Regional Spatial Strategy. A request will therefore be made on the commencement of the pre-submission publication stage of the Core Strategy.

Publishing The Core Strategy

- 4.14 Regulation 27 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008, requires that before submitting a DPD the Local Authority must publish and make available the documents it proposes to submit. The pre-submission publication version is essentially the Draft Core Strategy and in accordance with the regulation it will be published for a 6 week period in order for representations to be made.
- 4.15 The consultation on the proposed pre-submission publication Core Strategy and Sustainability Report will take place between 7th January and 18th February 2010. Representations will be invited on the pre-submission publication documents, which the Council intends to submit for independent examination. Appendix 3 to this report

sets out the publication arrangements that will be undertaken in order to meet the requirements of the legislation.

- 4.16 This process is intended to assist local authorities in reviewing the representations received following Publication and to consider if any are so significant that changes to the Core Strategy would be required prior to its Submission. The representations must be submitted alongside the Core Strategy and will be taken into account by the Planning Inspector at the examination.

Submitting The Core Strategy

- 4.17 Regulation 31 requires the Local Authority to consider the representations received during the pre-submission publication stage and to produce a summary of the main issues raised. This should then be submitted in accordance with Regulation 30 along with all specific documentation to the Secretary of State.
- 4.18 Members are reminded that the Local Authority, when publishing and submitting the Core Strategy must be confident that it is Sound. In preparing the summary of the main issues raised, Officers may consider that certain representations, particularly those submitted by Government bodies, may cause them to reconsider if the Core Strategy is sound.
- 4.19 However, in the Officer's opinion the pre-submission publication version of the Core Strategy is based on a comprehensive frontloading process culminating from a series of consultation stages in accordance with the Adopted Statement of Community Involvement. It is also informed by a comprehensive Sustainability Appraisal process including an independent check. Finally, a robust evidence base has been produced to provide the background to policy making. It is considered that this comprehensive frontloading process will reduce the likelihood of receiving such representations on the Publication Core Strategy.

Further Editorial Requirements For The Pre-Submission Publication Core Strategy

- 4.20 Due to the timeframes involved in the Committee Cycle the Publication Document will be subject to further editing in terms of its legibility, format and correction prior to public consultation taking place in January 2010. However, the main content and structure of the document as attached at Appendix 1 will remain the same. The document is to be published using the Limehouse Software System, which will enable interactive consultation. It will therefore require further formatting work using this software package, particularly in relation to the insertion of images.

5. FINANCIAL IMPLICATIONS

- 5.1 The costs of undertaking the pre-submission publication, submission and examination stages in the production of the Core Strategy can be met from the LDF preparation budget, together with the Planning Delivery Grant.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 DPDs need to be prepared in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004 as amended.

7. RISK MANAGEMENT

- 7.1 The failure to secure the timely adoption of the Core Strategy carries the risk that the saved District Local Plan Policies will become increasingly out of date. This could result in decisions on planning applications being overturned on appeal. In order to minimise this risk it is important to publish the pre-submission Core Strategy in January 2010 to accord with the next major milestone as set out in the Revised LDS.
- 7.2 Prior to its adoption, a DPD must be subjected to independent examination in order to check that it has complied with legislative requirements. As part of the examination, the Inspector must determine whether the plan is “sound” (i.e. that it is justified, effective and consistent with National Policy). Paragraphs 5.1-5.12 discuss in detail the measures that have been undertaken during the Core Strategy’s production, to comply with these requirements.
- 7.3 Officers have taken full account of national guidance, emerging good practice and have maintained discussions with the Government Office for the West Midlands (GOWM) and the Planning Inspectorate throughout the process.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 An Equality Impact Assessment Screening has been undertaken for the Pre-Submission Publication Core Strategy. This identified that the Core Strategy will make a positive contribution towards addressing the six equality strands. In particular, the Core Strategy policies will help to improve accessibility to housing and services for all residents across the District.

9. CONCLUSION

- 9.1 Next Steps
Subject to Council approval the Core Strategy and SA Report will be published for a 6 week pre-submission publication period commencing on 7th January 2010. They will then be submitted to the Secretary of State, alongside all those representations received during the publication stage, for independent examination.
- 9.2 The draft pre-submission publication Core Strategy, Full Sustainability Appraisal Report and publication and submission arrangements have been produced in accordance with government guidance and regulations. The publication Core Strategy is based on a comprehensive frontloading process. It has been subject to a rigorous Sustainability Process and is informed by a robust evidence base.

10. CONSULTEES

Director of Legal and Corporate Services

11. BACKGROUND PAPERS

- Revised Local Development Scheme (August 2008)
- Core Strategy Preferred Options Consultation Paper (January 2009)
- Core Strategy Revised Issues and Options Consultation Paper (January 2008)
- Draft SA Report – Core Strategy Preferred Options (October 2008)
- Adopted Statement of Community Involvement (April 2006)
- C&R Committee Briefing Paper (11/11/09)
- LDF Core Strategy Review Panel Reports and Minutes (14/10/09, 21/10/09, & 28/10/09)
- PPS12: Local Spatial Planning (June 2008)