

CABINET MEMBERS DELEGATED DECISION

Open/Exempt		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide	YES/NO	
	Discretionary/	Need to be recommendations to Council	YES/NO	
	Operational	Is it a Key Decision	YES/NO	
Lead Member: Cllr R Blunt E-mail: cllr.richard.Blunt@west-norfolk.gov.uk		Other Cabinet Members consulted: None		
		Other Members consulted: None		
Lead Officer: Alan Gomm E-mail: alan.gomm@west-norfolk.gov.uk Direct Dial:01553 616237		Other Officers consulted: Executive Director Geoff Hall		
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)				
Date meeting advertised: 29 th March 2017		Date of meeting decision to be taken: 5 th April 2017		
Deadline for Call-In: 12 th April 2017				

Date of meeting: 5th April 2017

LOCAL DEVELOPMENT SCHEME – A PROJECT PLAN FOR THE LOCAL PLAN REVIEW

Summary

Work has commenced on the Review of the Core Strategy and the Site Allocations and Development Management Policies Plan as required by the SADMP Inspector through the Examination. The Local Development Scheme (LDS) sets out projected milestones in the preparation of the new Plan. It is a legal requirement to have one and keep it up to date. The new LDS will replace one prepared in 2014.

Recommendation

That the LDS is agreed

Reason for Decision

To meet our legal requirement to have an up to date LDS.

Background

We are required by Regulations to keep our Local Development Scheme up to date, and publish it on our website. Having recently adopted our Sites Plan it is an appropriate time to be clear about the programme for the Local Plan Review document.

We last published an LDS in 2014, and it dealt primarily with the Site Allocations Plan which was about to commence its final formal stages at Examination. The precise format and timings for the Local Plan review were not known then.

The Government in the Housing White Paper is placing increased emphasis on keeping plans up to date, and we need to make sure we have a reasonable project plan for its preparation.

The revised LDS is attached as Appendix 1.

Options Considered

None – it is a statutory requirement.

Policy Implications

None directly, the policies will be in the Plan itself.

Financial Implications

None directly, budget provision is made already for the work.

Personnel Implications

None.

Statutory Considerations

The LDS is statutorily required.

Equality Impact Assessment (EIA)

(Pre screening report template attached)

Attached.

Risk Management Implications

We risk Government sanction by not having an up to date LDS.

Declarations of Interest / Dispensations Granted

None.

Background Papers

(Definition : Unpublished work relied on to a material extent in preparing the report that disclose facts or matters on which the report or an important part of the report is based. A copy of all background papers must be supplied to Democratic Services with the report for publishing with the agenda)

**Local Development Scheme
(March 2017)**

Borough Council of
**King's Lynn &
West Norfolk**



King's Lynn & West Norfolk

Local Plan review 2016 - 2036

Local Development Scheme

2017- 2019

1. Introduction

1.1 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 requires local planning authorities to prepare, make publically available and maintain a Local Development Scheme (LDS). The LDS is a timetable for production of a local planning authority's Local Plan, and any other Development Plan Documents. It enables the public and stakeholders to view the proposed schedule and therefore the status of policies contained within the plan documents.

1.2 This, the latest, version of the Borough Council of King's Lynn and West Norfolk's LDS provides a timetable for which documents are proposed to be prepared and when. It indicates the stages at which the public can be involved in the local plan process. The main document that this LDS covers is the Local Plan review (2016 - 2036) from preparation through to adoption.

1.3 This Local Development Scheme sets out the following:

- Information on the Development Plan
- Timetables Local Plan review
- Details of what policies currently apply in the borough
- The delivery and implementation of the documents, including resources, risk management and monitoring and review.

2. King's Lynn & West Norfolk Development Plan

2.1 The development plans system is the basis upon which planning applications are determined.

2.2 The Development Plan for King's Lynn and West Norfolk is made up of a series of documents which collectively form planning policy for the borough:

- Local Plan, comprising:
 - Core Strategy (2011)
 - Site Allocations and Development Management Policies (2016)

- Norfolk Minerals and Waste Development Framework Core Strategy & Site Allocations documents (produced by Norfolk County Council)
- Any Neighbourhood Plans which have been made

2.3 The **Core Strategy** sets out the spatial planning framework for the development of the borough up to 2026, and provides guidance on the scale and location of future development in the borough. It contains strategic policies on a range of topics that include: the environment, employment, infrastructure, and housing. The Core Strategy was formally adopted by the Council in 2011.

2.4 The **Site Allocations and Development Management Policies** document complements and facilitates the implementation of the Core Strategy by providing detailed policies and guidance. This includes development boundaries, site allocations across the borough for a variety of uses and area-wide development management policies on specific issues. It contains a Policies Maps, and insets, which geographically illustrate the policies within the local plan where appropriate. This was formally adopted by the Council in 2016.

2.5 The **Minerals and Waste Core Strategy and Site Allocations** documents are produced by Norfolk County Council and were adopted in September 2011 and October 2013 respectively.

2.6 **The process of plan preparation** involves evidence gathering, opportunities for public involvement and comment and an independent examination, the process is outlined below:

- i. Evidence gathering – forms the basis of information for the Plan.
- ii. Development of options – preparation of the draft plan
- iii. Draft Local Plan – published for consultation.
- iv. Submission Local Plan – Plan is submitted to the Secretary of State.
- v. Independent Examination – held by a Planning Inspector into objections.
- vi. Inspectors Report – setting out any recommended changes.
- vii. Adoption of Local Plan – by the local planning authority.

2.7 **Other documents:**

- **Supplementary Planning Documents (SPDs)** – these are non-statutory documents which will supplement policies and proposals in the Local Plan. They will need to be in conformity with the Local Plan.
- **Neighbourhood Plans** – The Localism Act 2011 introduced provision to allow communities to set out their own policies in relation to use and development of land in their areas through Neighbourhood Plans. The Council have a duty assist to these communities, however they are produced by the community themselves and so it is not appropriate for this document to specify when they will be produced.
- **Community Infrastructure Levy** – The Community Infrastructure Levy (CIL) is a mechanism for raising funds from new development to contribute towards essential infrastructure. The Council formally introduced its CIL in February 2017.
- **Statement of Community Involvement** - sets out how the public will be consulted as part of the Local Plan review process, a new version of this is to be consulted on in February 2017.
- **Authority Monitoring Report** - considers how the authority is implementing their planning policies and the progress in terms of producing the planning documents.
- **Local Development Scheme** (this document).
- **Housing and Economic Land Availability Assessment** - This is an appraisal of the amount of land available for housing and economic development it is required in order to assess the capacity of suitable land. Its purpose is to test whether there is sufficient land to meet the Full Objectively Assessed Need (FOAN) and identify where this may be located. The HELAA does not allocate land for development or determine whether a site should be given planning permission for development. This is the role of the Local Plan Site Assessment. However it is a key piece of supporting evidence for the Local Plan review.
- There may be a need for additional documents to be produced, and any new documents or amendments to the current programme will require a change to the LDS.

2.8 Sustainability Appraisal and Habitats Regulations Assessments - In preparing the Local Plan review the documents will be subjected to a Sustainability Appraisal (which will also incorporate the requirements of the EU Directive 2001/42/EC on Strategic Environmental Assessments). The Sustainability Appraisal will help identify and evaluate what effects the document/ proposed plans are likely to have on social, economic and environmental conditions of an area, and help to ensure that the plan takes account of sustainable development objectives.

2.9 The Sustainability Appraisal Scoping Report is the first step in this process and is followed by the sustainability appraisal of options as they develop. The document guides and informs the choices made as the document evolves and so forms an integral part of the preparation. A final Sustainability Report will be prepared and published alongside the submitted Local Plan review.

2.10 Amendments were introduced in the UK Conservation (Habitats & etc.) Regulations 1994 in September 2006. These result in Appropriate Assessment under Article 6(3) and (4) of the Habitats Directive 92/43/EEC being required for all plans likely to have a significant effect on a European site. Habitats Regulations Assessments, including Appropriate Assessment as necessary, will be undertaken prior to submission of the Local Plan Review.

3. The King's Lynn & West Norfolk Local Plan review (2016 -2036)

3.1 The Council, as part of the Site Allocations and Development Management Policies Plan (SADMP) examination and adoption process, has committed to an early review of the Local Plan. This means reviewing both the Core Strategy (CS) and the SADMP to create a single Local Plan document.

3.2 This commitment forms Policy DM2A – Early Review of Local Plan of the SADMP. An early review will ensure a set of deliverable and achievable housing sites for the duration of the Plan period (2016 -2036), with the most up to date policy framework to secure continuity for the longer term. The review will identify the full, objectively assessed housing needs for the borough and proposals to ensure that this is met in a consistent manner with national policy.

3.3 Elements of this review began in 2016 including the Sustainability Appraisal Scoping Consultation with statutory consultees (Environment Agency, Natural England and Historic England), and the 'Call for Sites and Policy Suggestions' Consultation (Regulation 18). The latter ran for 6 weeks, between the 17 October and 28 November, offered an opportunity for developers, agents, landowners, individuals, and other interested parties to promote sites located within the Borough for future development, suggest locations/areas for special policy treatment, and put forward policy suggestions.

3.4 The timetable for the production of the Local Plan review is set out overleaf. This outlines the process and the timetable of the Local Plan review and the role and content of each element.

Local Plan review Programme 2017-2019

Local Plan Documents	2017				2018				2019			
	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec
Local Plan review (2016 – 2036)	B	B	B / C ¹	C ²	D	D	E	F	G	H / I / J		
Housing & Economic Availability Assessment												
Authority Monitoring Report												

	Key Stages of Local Plan Preparation	Regulation
A	Sustainability Appraisal Scoping Report Consultation (2016)	
B	Development of options – on-going engagement on issues and emerging options	
C	Publish and Consult on draft Local Plan	Regulation 18 &19
D	Pre-Submission plan development	
E	Pre-Submission publication and consultation	Regulation 19 & 20
F	Submission of document to Secretary of State	Regulation 22
G	Examination (Including Hearing Sessions)	Regulation 24
H	Receipt of Inspectors Fact Check Report	
I	Receipt of final Inspector's Report	Regulation 25
J	Adoption	Regulation 26

¹ Draft Local Plan review completed

² Draft Local Plan review Consultation

Indicative Schedule of Proposed Local Plan review

Development Plan Documents (Title)	Role and Content	Chain of conformity	Geographical coverage	Timetable Milestones				
				Consult on Sustainability Appraisal Scoping Report	Publication of DPD	Submission of DPD	Hearing Sessions (indicative estimate)	Adoption
Core Strategy	Sets out the vision, objectives and spatial strategy for development up to 2026, and the framework for the control of development		Whole authority area	2005	2010 Schedule of Changes 2010	2010	2011	2011
Site Allocations and Development Management Policies (Inc. Policies Map & Insets)	Complements the Core Strategy by providing the detailed policies and guidance. Includes development boundaries, site allocations and area wide development management policies	To conform with National Planning Policy Framework	Whole authority area	-	2014	2015	2015 / 2016	2016
Local Plan Review	review of the Local Plan (CS & SADMP) to cover the plan period from 2016 - 2036	To conform with National Planning Policy Framework	Whole authority area	2016	2018	2018	2019	2019

4. Risk Management and Resources

4.1 The team consists of 3.5 full-time equivalent posts including a Manager and three planning officers (one of which work part-time in policy). Assistance is also provided by a number of teams elsewhere in the Council including Regeneration, Housing, Planning Technical Support, Environmental Health and Leisure. Consultants may also be used where there is insufficient resource / expertise within the authority. Advice will also be sought and guidance provided from Norfolk County Council, the Environment Agency etc., where necessary.

4.2 The budget for Planning Policy makes allowance for the anticipated costs of development plan production, including examination. However the timing set out in this document is indicative and based on assumptions. It may therefore be necessary to make further amendments to the timetable. The table below considers potential areas of risk which could cause the programme to slip, and details their impact and likelihood of occurrence alongside contingency and mitigation measures.

Risk Assessment Matrix

Risk	Likelihood	Impact	Contingency	Mitigation
A team member may leave / Long term sickness absence	<i>Medium</i>	<i>High</i>	Spread knowledge throughout the team to minimise impact.	Re-appoint as soon as possible if budget restrictions permit. Alternatively, seek to re-deploy staff from within the Planning department or use consultants / agency staff if necessary.
New national legislation	<i>Medium/High</i>	<i>Medium/High</i>	The National Planning Policy Framework and the Localism Act have reformed the planning system. Delays in the delivery of plans may occur in terms of compliance with the NPPF as a result of challenges on local interpretation.	Some flexibility has been included in the timescales for Local Plan production, although these may need to be revised.
Legal challenge	<i>Medium</i>	<i>High</i>	Post adoption of a Local Plan, there is a six week challenge period.	To reduce risk of challenge, ensure the Local Plan legally compliant, is based on robust evidence and been subject to extensive consultation.
Problems arising from joint working; compliance with the duty to co-operate.	<i>Medium</i>	<i>High</i>	Close working with other authorities and Council Members to detect issues early in the process	Some flexibility is included in the Local Plan timescales. Continuing discussions with neighbouring authorities.

Programme slippage	<i>Medium</i>	<i>Medium</i>	Contingency time is built into the LDS programme, which includes sufficient time to deal with a large number of representations.	Sufficient flexibility is included in the Local Plan review timescale. Revise LDS where necessary. Ensure sufficient resources available to complete future stages.
Local Plan found not to be 'sound'	<i>Low</i>	<i>High</i>	Seek advice from PINS at key stages (e.g. advisory visits) and be prepared to make modifications. Develop and take account of sound evidence.	Develop sound technical evidence base. If necessary, go back to an earlier stage, revise the plan and re-submit.
Timely provision of infrastructure	<i>High</i>	<i>High</i>	Discussions with infrastructure providers have been focused through the Infrastructure Study, as the development strategy and impact on infrastructure has become clearer.	Continuing engagement with infrastructure providers and development of the Study will ensure timely provision.
Failure to secure agreement of full Council to Local Plan review	<i>Low</i>	<i>High</i>	It is important to work closely with all elected Members and to raise awareness of the Local Plan, and to secure an up to date development plan that complies with the NPPF.	Build sufficient flexibility into the strategy and timescales. The impact of elections cannot be predicted and mitigation is limited.
Inspector's report includes recommendations that the Council finds difficult to accept	<i>Medium</i>	<i>Medium</i>	Although the Inspector's recommendations are no longer binding (except for any modifications proposed by the Council), the Plan may not be 'sound' unless it is modified. The Council will need to consider all recommendations if it wishes to have an up to date development plan in place as required by the NPPF.	Keep Council Members up to date on issues arising and likely recommendations.

5. Monitoring and Review

5.1 The Local Development Scheme will be monitored on an ongoing basis through the Authority Monitoring Report. The latest version is available on the Council's website. The Monitoring Report will also monitor the delivery and effectiveness of policies in line with the Monitoring Framework outlined in the Core Strategy and Site Allocations and Development Management Policies documents.



Pre-Screening Equality Impact Assessment

Name of policy/service/function	Local development Scheme				
Is this a new or existing policy/ service/function?	New / Existing (delete as appropriate)				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	Project Plan for preparation of the Local Plan Review				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Other (eg low income)			x	
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	Yes / No				
3. Could this policy/service be perceived as impacting on communities differently?	Yes / No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Yes / No				
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	Yes / No	Actions:			
		Actions agreed by EWG member:			
Assessment completed by: Name Alan Gomm					
Job title Planning Policy Manager	Date 16 March 2017				

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.