



**AGENDA ITEM: 12**

**PLANNING COMMITTEE:  
10 November 2011**

**CABINET: 15 November 2011**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
1 December 2011**

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**Report of: Borough Planner**

**Relevant Managing Director: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor M Forshaw**

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**SUBJECT: MOVING FROM A LOCAL DEVELOPMENT FRAMEWORK TO A  
LOCAL PLAN**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To propose that the Borough's local planning policy should be prepared as a single Local Plan document, to reflect the proposed policy in the draft National Planning Policy Framework (NPPF), and that all work thus far undertaken on the preparation of policy designed to sit within a Local Development Framework (LDF) should be converted for inclusion within such a single Local Plan document.

**2.0 RECOMMENDATION TO PLANNING COMMITTEE**

2.1 That the content of this report be considered and that agreed comments be referred to Cabinet for consideration.

**3.0 RECOMMENDATIONS TO CABINET**

3.1 That, subject to consideration of the decision of Planning Committee (Appendix 1), the move to draw together the preparation of the Core Strategy, Development Management Policies and the Site Allocations Development Plan Documents of the Local Development Framework into a single Local Plan document be approved.

3.2 That delegated authority be given to the Borough Planner and Portfolio Holder to consider the agreed comments of the Executive Overview & Scrutiny Committee in taking forward the Local Plan process.

3.3 That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 1 December 2011.

#### **4.0 RECOMMENDATION TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

4.1 That the report and the decision of Cabinet on 15 November 2011 (Appendix 2) be endorsed and that agreed comments in taking forward the Local Plan process be referred to the Borough Planner and Portfolio Holder for consideration.

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#### **5.0 BACKGROUND**

5.1 The draft NPPF, published for consultation by CLG in July 2011, demonstrated a marked shift in guidance for the preparation of local planning policy in England in a number of ways, but perhaps most notably in its terminology for the type of document that Local Planning Authorities (LPAs) should prepare for their local planning policies.

5.2 The first section of the “plan-making” chapter of the draft NPPF, entitled “local plans” (paragraphs 20-26) is most pertinent to this change and states:

*Each local planning authority should produce a Local Plan for its area.  
... Any additional development plan documents should only be used  
where clearly justified. (para 21, p.7)*

5.3 While the draft NPPF does not state that LPAs must make a move from preparing an LDF (which they are currently required to prepare) to a single Local Plan immediately, it is clear that the intention in the medium- to long-term is that a single Local Plan document should be prepared.

5.4 CLG, at the time of writing this report, are yet to provide any guidance on the transitional arrangements for LPAs to move from the LDF system to a single Local Plan, although they have acknowledged the need for such guidance and are preparing some. However, it has been made clear that, in the short-term, adopted Core Strategies will be considered acceptable up-to-date policy and that, where applicable, LPAs may continue to prepare their Core Strategies and other Development Plan Documents in lieu of a single Local Plan if they desire, for example, because they have progressed these documents to a stage where to convert them to a single Local Plan would create significant delays in the adoption of those documents.

5.5 In relation to West Lancashire specifically, the preparation of the Core Strategy is at a stage where, to convert it to a Local Plan would not create any delay in the timetable. This is due the fact that amendments to the Core Strategy

Preferred Options paper are likely to be required which will result in the need for a further round of public consultation.

- 5.6 Therefore, West Lancashire have the option to either carry on with the preparation of the Core Strategy, and subsequently the separate Development Management Policies DPD and Site Allocations DPD, or make the move now to a single Local Plan by bringing the various elements of these three documents together.

## **6.0 PROPOSALS AND IMPLICATIONS**

- 6.1 It is proposed that West Lancashire should now move to a single Local Plan, bringing together the draft Policies included within the Core Strategy Preferred Options paper with the early work that has been undertaken on the Development Management Policies and Site Allocations.

- 6.2 Paragraphs 23 and 24 of the draft NPPF set out what it is expected Local Plans will cover and include. To ensure consistency with this it is proposed that any move to a single Local Plan would involve the following:

- A similar format and structure as the Core Strategy Preferred Options paper with a strategic policy section, followed by a series of topic-based policy sections
- Adding more detail to certain existing draft Core Strategy policies to reflect new development management policy and site allocations
- Adding selected brand new policies to reflect specific new areas of policy arising out of the development management policies and site allocations work undertaken to-date

- 6.3 It is not expected that this move to a single Local Plan will slow down the process of preparing local planning policy vis-à-vis the existing Local Development Framework process, given that, following the Preferred Options consultation exercise officers have already identified possible changes to the Core Strategy that will require a further public consultation exercise to be undertaken. These changes will be reported to a future meeting of Cabinet in December.

- 6.4 It is important that the Borough's local planning policy is progressed as efficiently as possible to ensure that up-to-date policies are in place. The move at this stage to a Local Plan would actually bring forward the delivery of Development Management Policies and Site Allocations by pulling them into a single document with the Core Strategy policies.

- 6.5 The indicative timetable for the preparation of a single Local Plan would be as follows:

November – December 2011	Prepare Local Plan Preferred Options document and independent appraisals (SA, HRA, HIA)
January – February 2012	Local Plan Preferred Options Public Consultation 5th Jan – 17 <sup>th</sup> Feb (6 weeks)

March – June 2012	Consider Consultation Responses  Amend Local Plan for Publication (including SA, HRA and HIA)
July – August 2012	Local Plan Publication Consultation (8 weeks)
September – October 2012	Collate Representations and submit Local Plan
October 2012 – June 2013	Examination in Public
July 2013	Local Plan put before full Council for adoption

- 6.6 A further beneficial implication of moving to a single Local Plan would be that a single local planning policy document should make it easier for the general public to access and understand local planning matters. This appears to be one of the prime reasons why the Coalition Government have promoted the return to a single Local Plan system, and so by making the move now West Lancashire will be ahead of many of its contemporaries in making its planning policy more accessible to everyone.
- 6.7 Finally, a key benefit of the move to a single Local Plan will be a significant cost-saving. A single Local Plan will involve only one Examination in Public with its hearing sessions. Under the existing LDF system there would have been three Examinations, one for each document. Given that each Examination is anticipated to cost in the region of £100,000 (not including officer time), the move to a single Local Plan demonstrates a clear and significant cost-saving to the Council.
- 6.8 Therefore, it is recommended to Cabinet that West Lancashire does make the move to a single Local Plan document now and that officers are authorised to prepare a Local Plan rather than an LDF.

## **7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 7.1 Given that the move to a single Local Plan would draw together the preparation of policy that is already underway, it is not anticipated that changing the format of our local planning policy will have any effect on the sustainability of the policy that is ultimately prepared. All local planning policy will still be subject to independent Sustainability Appraisal, as required by legislation, and it will still form a key aspect in the delivery of the Sustainable Community Strategy.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 The move to a single Local Plan document for West Lancashire at this time will make significant financial savings in relation to the costs of Examination in Public and will make use of all work undertaken thus far for the LDF (i.e. no work undertaken to-date will prove abortive). There will be no additional resource implications for the preparation of a single Local Plan vis-à-vis an LDF. All costs for the preparation of the Local Plan will still remain within the revenue budget of

the Planning Service. Only the Examination in Public will require to be funded , which was also the case under the LDF approach.

## 9.0 RISK ASSESSMENT

9.1 The Coalition Government are still preparing advice to LPAs for the transition from an LDF system to a single Local Plan system, and so there is a degree of uncertainty. However, it is very clear that the ultimate aim is that all LPAs will have to prepare a Local Plan sooner or later, so West Lancashire will be ahead of the majority of its contemporaries in this regard.

9.2 In addition, by moving to a Local Plan now, West Lancashire avoids the risk of preparing its various LDF documents and then being instructed to prepare a Local Plan to replace them having only just adopted the LDF documents if, in the future, the Coalition Government choose to encourage the preparation of a single Local Plan even if existing policy is up-to-date.

### Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>	<u>File Ref</u>
25 <sup>th</sup> July 2011	Draft National Planning Policy Framework	

Available from:

<http://www.communities.gov.uk/publications/planningandbuilding/draftframework>

### Appendices

- Minute of Planning Committee – 10 November 2011 (Cabinet and Executive Overview & Scrutiny Committee only)
- Minute of Cabinet – 15 November 2011 (Executive Overview & Scrutiny Committee only)

### Equality Impact Assessment

1.	Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people: <ul style="list-style-type: none"> <li>• <i>People of different ages – including young and older people</i></li> <li>• <i>People with a disability;</i></li> <li>• <i>People of different races/ethnicities/ nationalities;</i></li> </ul>	<b>No</b>
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<ul style="list-style-type: none"> <li>• <i>Men;</i></li> <li>• <i>Women;</i></li> <li>• <i>People of different religions/beliefs;</i></li> <li>• <i>People of different sexual orientations;</i></li> <li>• <i>People who are or have identified as transgender;</i></li> <li>• <i>People who are married or in a civil partnership;</i></li> <li>• <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i></li> <li>• <i>People living in areas of deprivation or who are financially disadvantaged.</i></li> </ul>	
<p>2. What sources of information have you used to come to this decision?</p>	<p><b>National Planning Policy Guidance</b></p>
<p>3. How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p><b>No</b></p>
<p>4. Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:</p> <ul style="list-style-type: none"> <li>• <i>Eliminate discrimination, harassment and victimisation;</i></li> <li>• <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i></li> <li>• <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></li> </ul>	<p><b>Help – moving to a single Local Planning document should aid accessibility to local planning policies for all groups</b></p>
<p>5. What actions will you take to address any issues raised in your answers above</p>	<p><b>N/A</b></p>