

Public Document Pack

Date of meeting **Wednesday, 1st February, 2012**

Time **10.00 am**

Venue **Committee Room 1. Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffs ST5 2AG**

Contact **Julia Cleary 01782 742227**

Cabinet

AGENDA

PART 1– OPEN AGENDA

- 1** **Apologies**
- 2** **DECLARATIONS OF INTEREST**
To receive declarations of interest from Members on items included in the agenda.
- 3** **Revenue and Capital Budgets and Council Tax 2012/13** **(Pages 1 - 2)**
- 4** **Site Allocations and Policies Development Plan Document -** **(Pages 3 - 16)**
Issues and Options Consultation Proposals
- 5** **Asset Management Strategy** **(Pages 17 - 18)**
- 6** **Register of Locally Important Buildings and Structures in** **(Pages 19 - 32)**
Newcastle-under-Lyme Supplementary Planning Document
- 7** **Low Carbon Fund** **(Pages 33 - 36)**
- 8** **URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Members: Councillors S Sweeney (Chairman), Studd (Vice-Chair), J Bannister,
A Howells, N Jones and M Reddish

'Members of the Council: If you identify any personal training / development requirements from the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Committee Clerk at the close of the meeting'

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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REVENUE AND CAPITAL BUDGETS AND COUNCIL TAX 2012/13

Submitted by: Executive Director (Resources and Support Services)

Portfolio: Resources and Efficiency

Ward(s) affected: All

Purpose of the Report

To enable Cabinet to recommend the 2012/13 General Fund Revenue Budget and the 2012/13 Capital Programme to the Full Council meeting in February 2012 and to consider the comments from the Transformation and Resources Overview and Scrutiny Committee.

Recommendations

(a) That it be recommended to Full Council that the revised minimum balances requirement be £1,500,000 with the excess of £350,000 above the current levels being transferred to the Contingency Reserve (£80,000), the Insurance Fund (£120,000) and the Provision for Bad Debts (sundry debtors) (£150,000)

(b) That the 2012/13 General Fund Revenue Budget and the Capital Programme 2012/13 as detailed in the report to Cabinet dated 18 January 2012 be recommended to Full Council for approval together with a recommendation that there be no increase in the Borough's council tax for 2012/13.

(c) That the contribution from the Budget Support Fund be £179,000.

1. **Background**

1.1 The 2012/13 Revenue Budget and the Capital Programme 2012/13 were considered by Cabinet on 18 January 2012, following which these were submitted to the Transformation and Resources Overview and Scrutiny Committee for consideration.

A summary of the overall Revenue Budget for 2012/13 is as follows:

	Estimated Expenditure £	Rate of Council Tax (Band D) £ p
Borough Council requirements –		
Total Net Expenditure	14,981,000	382.79
Less: External Support	<u>8,035,930</u>	<u>205.33</u>
	6,945,070	177.46
Collection Fund Surplus 2011/12	<u>20,700</u>	<u>0.53</u>
	<u>£6,924,370</u>	<u>£176.93</u>
		(equating to £3.40 per week)

The council tax levy of £176.93 is unchanged from the 2011/12 amount in accordance with the decision made at your meeting on 18 January 2012 that there should be no increase in the Borough's council tax for 2012/13.

2. **Transformation and Resources Overview and Scrutiny Committee**

2.1 At its meeting on 18 January 2012 Cabinet approved the Revenue and Capital Budgets for 2012/13, recommending no increase in Council Tax. The report and the recommendations were referred to the Transformation and Resources Overview and Scrutiny Committee for comments.

2.2 The Scrutiny Committee met on 18 and 25 January 2012. The Chair of the Committee will be attending the Cabinet meeting to present the Committee's observations and comments on the report and budget proposals.

3. **Final Finance Settlement notification**

3.1 The government have not yet notified the Council of the final amount of its formula grant for 2012/13. This was received at the end of January last year. However, there is unlikely to be a significant change from the amounts notified as the provisional settlement figure. If the amounts do change, the table in paragraph 1.1 will require amending to reflect the changes. A verbal update will be given at the meeting.

SITE ALLOCATIONS AND POLICIES DEVELOPMENT PLAN DOCUMENT – ISSUES AND OPTIONS CONSULTATION PROPOSALS

Submitted by: Executive Director Regeneration and Development

Portfolio: Regeneration and Planning

Ward(s) affected: All

Purpose of the Report

To consider the timetable, likely scope and consultation arrangements for the Site Allocations and Policies Development Plan Document Issues and Options Paper

Recommendations

- (a) That the revised timetable set out in Appendix A now be adopted.**
- (b) That Cabinet agree the consultation proposals set out in this report.**
- (c) That a further report be submitted in June/July to the Planning Committee with a revised Site Allocations and Policies Development Plan Document draft Issues and Options Paper for public consultation purposes, incorporating a set of generic development management policies and taking into account a revised Infrastructure Delivery Plan together with details of the public consultation arrangements.**
- (d) That Cabinet receive in June/July the recommendations of the Planning Committee with respect to the above revised Site Allocations and Policies Development Plan Document Draft Issues and Options Paper, incorporating a set of generic development management policies and taking into account a revised Infrastructure Delivery Plan, for consultation purposes together with details of the public consultation arrangements.**

Reasons for Recommendations

To ensure the preparation of the Site Allocations and Policies Development Plan Document proceeds in a timely manner whilst at the same time ensuring (a) the best quality Issues and Options Paper is consulted upon and (b) that there is sufficient time and opportunity for consultation with the public and other stakeholders.

1. Introduction

1.1 Members are reminded that the Site Allocations and Policies Development Plan Document (The Plan) will play a very important role in realising the vision and strategic aims of the Core Spatial Strategy particular in ensuring that the Council:

- Provides sufficient land to meet local needs for housing
- Supports economic development by using land use planning to support economic activity
- Supports the creation of sustainable communities

The Plan will do this by allocating specific sites for development over a 15 year period and providing detailed guidance on what should be built, where and how this should be done.

- 1.2 Once adopted The Plan will carry full weight in the determination of planning applications. It will remain in force until the end of the plan period (the year 2026). At adoption all allocated sites will be identified on an updated version of the Local Development Framework Proposals Map.
- 1.3 The purpose of this report is for Cabinet to consider, taking into account the 13th December Planning Committee's resolutions, a) the scope of the Issues and Options Paper for public consultation purposes, b) whether the proposed consultation arrangements are satisfactory, and c) the timetable for the preparation of the Site Allocations and Policies Development Plan Document.

2. **Background**

- 2.1 In October 2011 Cabinet, taking into account views expressed by the Planning Committee at its meeting on 11 October, agreed a revised timetable for the preparation of the Site Allocations and Policies Development Plan Document, the Council's approach to the allocation of land, as part of the statutory town planning process and that a further report should be submitted to a subsequent meeting on an Issues and Options Paper, together with further details of the consultation arrangements.
- 2.2 A draft Issues and Options Paper was submitted to Planning Committee on 13 December, together with a draft list of 'strategic' and 'non strategic' sites identified in the draft 2011 Strategic Housing Land Availability Assessment (SHLAA). The Planning Committee resolved as follows: -
- (a) That Cabinet be recommended to agree to approve the Site Allocations and Policies Development Plan Document draft Issues and Options Paper for public consultation purposes.
 - (b) That Cabinet be recommended to agree the consultation arrangement set out in the officers' report.
 - (c) That all Council Members be provided with a plan that identifies the location of the sites referred to in the Paper for at least their individual ward areas
 - (d) That a Frequently Asked Questions (FAQ) pamphlet be published as part of the public consultation process.
 - (e) That Locality Action Partnerships, Town and Parish Councils be invited to participate in the consultation process.
 - (f) That a report be submitted to a subsequent meeting of the Planning Committee on the results of the first phase of public consultation and to approve the next steps.
- 2.4 At the Planning Committee the following amendment to the recommendation contained within the officers' report was moved and seconded but not accepted:-
- (a) That Cabinet be recommended to agree not to approve the Site Allocations and Policies Development Plan Document draft Issues and Options Paper for public consultation.
 - (b) That Cabinet be recommended to facilitate a meeting of political Group Leaders, to discuss the methodology of consultation, in order that a cross party consensus can be achieved.

- (c) That the meeting of Group Leaders takes place in January 2012.
- (d) That the outcome of the above meeting be reported back to the Planning Committee for consideration in February.

3. Individual Elements of Site Allocations Process

- 3.1 Members are reminded that the preparation of the Site Allocations and Policies Development Plan Document is an iterative process, which will take at least two and a half years to complete. The process agreed by Cabinet in October involves at least two stages of informal public consultation and three stages of formal public consultation, as summarised below. The Issues and Options stage and the Draft Options stage are informal because they are not statutory stages of consultation, but have been created to ensure the public have an early opportunity to influence the content of the final Plan. This objective is in line with the latest government code of practice relating to consultation. For convenience Appendix B of this report identifies the seven consultation criteria guiding government consultations. Further advice is set out in 'Planning Policy Statement 12 Local Spatial Planning.' This also strongly advocates that public participation takes place early in the process.
- 3.2 Stage Four of the Site Allocations process is when the Council will produce the draft Final plan, having taken into consideration all the representations submitted as part of the preceding consultations. This 'publication' stage of the process is the first statutory stage and it is at this point in the process and all the following stages that a focus of the consultation will be on legal matters. It is not until Stage Seven that the process will be finally concluded.
- 3.3 Consequently a key purpose of the Issues and Options stage is to give interested parties a very early opportunity to express their views **before** key choices are made.

Stage One

- (A) The Site Allocations and Policies Development Plan Document must be based on sound evidence. The bulk of this evidence has been collated since the adoption of the Core Spatial Strategy in 2009, but further evidence will continue to be gathered as part of the process. For example the SHLAA will be "road-tested" with developers and landowners – to establish by consultation with them, whether assumptions regarding delivery, capacity and constraints are realistic. Members are also reminded that a fresh iteration of the Infrastructure Delivery Plan (IDP), prepared in support of the Core Spatial Strategy, is also to be produced. The IDP will seek to set out when and what infrastructure is required to support the planned growth and also, as far as possible, how and by whom this will be provided.

Stage Two

- (A) The Issues and Options Paper is the first stage of consultation and will help to set the scene and form the basis of early discussions with residents, the business community, partners, landowners and developers, so that they may express their views **before** key choices are made.
- (B) Consider feedback from the Issues and Options consultations and prepare Draft Options paper. Report consultation results and obtain Full Council approval to consult on a Draft Options document.

Stage Three

- (A) Representations are invited on 'Draft Options' where people will be able to express a preference for specific site proposals including stating the Council's proposals be rejected. This stage will also provide an opportunity to comment on a set of criteria based policies relating to specific site allocations and a limited suite of generic development management policies, for use in the day-to-day decision making on planning applications, giving clear guidance on what will or will not be permitted and where.
- (B) Consider Feedback from the Draft Options consultation and prepare 'Publication' version of a Draft Plan for Full Council approval unless further public consultation is considered necessary.

Stage Four

- (A) Draft Plan is 'published' and representations invited on whether the Published Plan will be effective and can be justified.
- (B) Proceed to submission unless substantive amendments are required, necessitating Full Council approval and potentially a further stage of public consultation.

Stage Five

- (A) Final Draft Plan is submitted to the Planning Inspectorate and representations invited again on matters of legal compliance.

Stage Six

- (A) A Planning Inspector appointed by the Government will carry out a public examination of the Plan. This can provide further opportunities for the public to take part in the process.

Stage Seven

- (A) Report on the Planning Inspector's findings and recommendations submitted to Full Council and decision made on whether to adopt the Final Plan.

4. Timetable and Alternative Scenario

- 4.1 The timetable agreed by Cabinet in October 2011 reflected the aim to work towards adoption of the Site Allocations and Policies Development Plan Document as soon as practically possible in order to provide greater certainty to interested parties and prospective investors/developers. The report considered noted that the draft version of the new National Planning Policy Framework (published in July) proposes that planning permission should be granted where a plan is 'absent, silent, indeterminate, or where relevant policies are out of date.'
- 4.2 On this basis the target date for beginning the first stage of consultation was January 2012. The Planning Committee report in December 2011 subsequently proposed to conduct the public consultation over an eight week period from the end of January until the end of March 2012.
- 4.3 Whilst it is incumbent upon the Council to get on with the Site Allocations process to avoid risking a prolonged policy vacuum the importance of the document means that it is also

vitaly important that sufficient time and opportunity for consultation with the public and other stakeholders is allowed. Equally it is important to ensure that the consultation to be undertaken as part of the Site Allocations process will be done to an appropriate standard, otherwise there is a risk that the consultation will be ineffective, which is not in anyone's interest. Your officers, therefore, consider that there is merit in taking time to engage in dialogue with potential consultees about consultation arrangement choices (i.e. to consult about the consultation) in advance of agreeing and implementing the actual Issues and Options consultation. This would help to:

- Obtain buy-in to the Site Allocations process;
- Ensure integrity is integral to any consultation process (communicating that the consultation has an honest intent – i.e. that no decision has been taken);
- Ensure any consultation arrangements are accessible to and clearly targeted at, everyone with a potential interest in, or affected by, the Site Allocations process;
- Ensure maximum promotion of the Site Allocations process
- Assist in devising effective publicity arrangements including highlighting how people can participate in the Issues and Options consultation and;
- Achieve inclusive decision making.

Conducting such an exercise could also work to communicate at an early stage the benefits of preparing a Site Allocations and Policies Development Plan Document.

- 4.4 The potential impact of this proposal on the current timetable is highlighted below in section
- 4.5 Section 5.0 below gives further consideration to how this proposal might work in practice, including potential resource implications.
- 4.5 The original timetable is already extremely tight and the introduction of an additional pre-consultation stage would result in additional time being taken to complete the overall exercise. Your officers note that local elections are planned for 3 May, and therefore any slippage at this stage in the process would ultimately mean that the Issues and Options public consultation period would coincide with the pre-election period. Whilst your officers consider that the period of “purdah” would not automatically prevent the Issues and Options public consultation taking place it would make it unnecessarily complicated and difficult to manage. For example during the “purdah” period officers could well be requested to attend meetings at which election candidates were present. Such complications would make the management of the consultation arrangements virtually impossible and wasteful of public resources and, therefore, your officers do not advise proceeding in accordance with the agreed timetable, which was endorsed by the Planning Committee at its December meeting.
- 4.6 Should members opt to instigate a consultation about the consultation arrangements with stakeholders, to optimise the prospects of achieving effective consultation, then your officers could take advantage of the longer lead time to the launch of the issues and Options consultation by improving the scope and content of the Issues and Options Consultation Paper.
- 4.7 It will be noted from section 3.1 that the current proposal is that public consultation on a set of draft generic development management policies will take place at Stage Three of the process, the ‘Draft Options’ stage, later this year. However, investing time in the preparation of a **limited range** of draft generic development management policies for incorporation within the Issues and Options Paper might help interested parties gain a better understanding at this stage of the way in which the Council might manage development in the future. It would not be possible to include the full range of potential generic policies without risking the transparency of the Site Allocations process, because the main purpose

of the Issues and Options consultation is to consider different ways of addressing key land use issues, e.g. the approach to the development greenfield sites, in order to generate fresh policies, which would then be subject to wide consultation at the draft Options stage. It could be misinterpreted as an attempt to thwart the public's right to influence the content and direction of policy, if the draft policies addressing some of the big issues were to be prepared too far in advance.

- 4.8 Consequently members may wish to consider adding value to this process by providing the public and other stakeholders with an opportunity to comment on the existing 'saved' generic development management policies from the adopted Newcastle-under-Lyme Local Plan (and which are to be replaced by the policies within the Site Allocations and Policies Development Plan Document), including identifying where they consider there are gaps in local policy. Such a review would help inform the scope and number of generic management policies needed prior to the Issues and Options consultation. Section 5.0 below gives further consideration to how this proposal might work in practice, including potential resource implications and the impact of the forthcoming publication of the National Planning policy Framework.
- 4.9 Members will also note in section 3.1 (Stage One) that the ongoing process of preparing The Plan will involve the preparation of a revised Infrastructure Delivery Plan (IDP). The intention was that the IDP would provide helpful background information at the 'Draft Options' stage, when specific sites are being proposed. However, there may be some value in incorporating some of this information e.g. in relation to transport and education information in the Issues and Options Paper, so that the public have an insight into the type of facilities which will be provided to support the level of growth planned. If this type of information was available at the first public consultation stage it may encourage some members of the public to take a more positive approach towards the prospect of development in their neighbourhood.
- 4.10 Furthermore your officers would seek to take advantage of any additional time by proceeding to "road test" the SHLAA with developers and agents (as described in section 3.1 - Stage One). The results of this limited consultation could then be used to inform the preparation of the revised Issues and Options paper.
- 4.11 For these reasons your officers consider that a number of advantages can be gained from allowing a longer lead in time to launch the public consultation on the Issues and Options Consultation.
- 4.12 Consequences of Rescheduling
- 4.13 However, it needs to be understood that this alternative approach would require several more months to prepare the Issues and Options Paper. Appendix A indicates the likely timetable of this alternative, now preferred, scenario. Members may wish to note that more time has also been allowed to both prepare each document for consultation and to complete a full cycle of Council meetings (Strategic Planning Committee, Cabinet and Full Council). Furthermore the Planning Inspectorate's latest procedural timeline for the examination of a Development Plan Document is six months. The original timetable was based on the Core Spatial Strategy experience, which took only 3 months.
- 4.14 Members will be aware that we are currently unable to demonstrate a 5 year housing land supply and so at the moment the Council is in a relatively weak position to try and control where development takes place. However, in such circumstances, if a local planning authority is seen to be taking positive action to address its shortfall in housing land supply by getting on with the process of allocating land this may be a factor which counts in favour of the Council at an appeal.

- 4.15 Members also need to be aware that the longer time goes on between the commencement of the Site Allocations Development Plan Document process and its examination in public the more the currency of the evidence base is put in doubt, and this has the potential to increase the risk of the document being found 'unsound' by the Planning Inspectorate.
- 4.16 On balance the benefits of the alternative scenario outweigh that of seeking approval for the Issues and Options Paper as provided to the Planning Committee, and of attempting to proceed with the consultation in the period leading up to the elections

5. Consultation Proposals

- 5.1 Members may be aware that the Council adopted a 'Statement of Community Involvement' (SCI) in 2006. This statement sets out the Council's policy for involving the public, community, and interest groups, developers and landowners as well as statutory consultees in the planning policy process, including identifying the types of groups that need to be involved and the ways of involving them effectively. Since this is a statutory document the Council is obliged to comply with the requirements for consultation set out in it and all planning documents should be prepared in accordance with it. Nevertheless, this does not prevent the Council from committing itself to additional activities in response to either the Localism agenda, or community aspirations arising from the recent Newcastle Development programme scrutiny process, providing staff and other resources are made available. Furthermore, account should also be taken of the Government's own code of practice (see Appendix B, criterion 5), which advises '*Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.*'
- 5.2 Members may also wish to note that the Government has been consulting on replacing the regulations, which currently govern the preparation of development plans (The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008) with the Local Planning Regulations. This consultation finished on 7 October and although the Government's intention was to publish its response to the consultation in November and that the new Regulations would be published at the time of the enactment of the Localism Bill that has not yet happened to date. If the Regulations follow those consulted upon, Local Authorities will have similar freedom to decide for themselves what consultation should be undertaken.
- 5.3 With this in mind it is proposed to undertake the following additional consultation stages in advance of preparing the draft Issues and Options Paper: (a) SHLAA "roadtest"; (b) Consultation with stakeholders about the consultation arrangements and (c) Public consultation on, the existing 'saved' policies from the adopted Newcastle-under-Lyme Local Plan. The aim will be to ensure that each consultation exercise is streamlined so as not to jeopardise the overall timescales. However, members should appreciate that the outcome of some of the consultations may be that a majority of consultees may wish to see an increase in the amount of consultation and this could potentially extend the timetable if agreed to.
- 5.4 SHLAA "Roadtest" of assumptions
- 5.5 Developers and agents together with landowners (those who have nominated sites) will be consulted either electronically or by letter.
- 5.6 Consultation with stakeholders about the consultation arrangements
- 5.7 It is proposed to invite members of the People's Panel to engage in this consultation as there are 600 participants who regularly participate, coming from a range of backgrounds from all

over the Borough. The Panel is representative of Newcastle's population in terms of age, gender, ethnicity, housing type and ward area.

Panel Members will be asked the following questions:

- What method of communication do you prefer to be contacted by? e.g. letter, email, advertisement in newspaper, council website, site notice, adverts in local community facilities, Twitter, Facebook.
- Normally our consultation period last for 8 weeks. Do you feel this is sufficient time or do you think this period should be extended to 12 weeks?
- What type of consultation event would you find most useful? i.e. public meetings, focus groups, workshops, inclusion of an agenda item at pre-arranged meetings (e.g. Parish Council and LAP meetings, and those of other community interest groups).

5.8 Public consultation on the existing 'saved' policies from the adopted Newcastle- under- Lyme Local Plan

5.9 The proposal is that a number of 'specific' and 'general' consultees (identified in the Council's adopted Statement of Community Involvement) will be contacted either electronically, or by letter. The 'specific' consultees are largely composed of: statutory undertakers; government agencies; and departments and the 'general' consultees include environmental/amenity groups; housing associations and; transport groups.

5.10 The Government have indicated that the new National Planning Policy Framework will be published in April. All local policies will need to conform to this Framework and therefore it would be sensible to stage the consultation once the new Framework has been published. If there is any substantial delay in the Framework coming into force your officers would prioritise the Issues and Options consultation rather causing unduly delay by waiting to proceed with this consultation process.

5.11 Consultation Statements

5.12 To assist with transparency a document will be produced and published on the Council's website detailing the results of each consultation exercise.

5.13 Financial and Resource Implications

5.14 The above consultation exercises are considered manageable within existing staff resources, but any substantial change would result in the need to supplement the team with staff from other sections within the Directorate (most notably within the Regeneration and Development Management teams). Such an arrangement will necessitate re-profiling of work programmes and there may be adverse impacts upon the core workload of those other teams. Nevertheless steps would be taken to minimise impact on service users/customers. As a last resource external consultants would be brought in. The cost of this is currently unknown, but could potentially result in a substantial increase in consultation costs, which it may not be possible to finance through existing budgets.

5.15 Your officers are currently investigating how we can receive and manage the consultation responses at each consultation stage, throughout the Site Allocations process in a cost efficient and cost effective manner. This is particularly important given that there are limited staff resources. Ideally we would like to store all responses on an Access database. We therefore need software (or another method) which would allow the completion of an on-line form to automatically populate a database so that we do not have to input each on-line

consultation response. Existing Council's systems cannot accommodate the scale of potential responses, which is likely to be very high. It may, therefore, be necessary to invest resources in creating a cost effective tailor-made solution. If the necessary financial resources are not available, or the cost of buying in a solution is prohibitive then the length of time taken to manually record and collate individual representations could add several weeks to each consultation stage.

6. **Conclusion**

- 6.1 It is important to make timely progress with the Site Allocations and Development Plan Document both in terms of realising the aims and objectives of the adopted Core Spatial Strategy and avoiding circumstances where the planning decisions are increasingly made on appeal. The importance of the document also means that it is essential that the Council conducts a fully open and transparent process and enables sufficient time and opportunity for consultation with the public and other stakeholders. Due to the "purdah" period it would be impossible to conduct the public consultation prior to the elections. Allowing a greater lead in time to launch the Issues and Options public consultation could be taken advantage of through a range of consultations carried out in advance of the Issues and Options consultation and designed to inform the preparation of the Issues and Options Paper, together with the preparation of: a selection of draft generic development management policies; and background information on infrastructure provision - all of which may serve to enhance the final Paper. Therefore it is now recommended that Cabinet agrees to proceed in accordance with the timetable set out in Appendix A.

7. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 7.1 All the documents prepared as part of the Council's LDF are intended to be "spatial", in that they are limited only by the definition of the area they cover and should take into account all the plans and strategies of the Council and other partners. They should therefore affect directly every aspect of the Council's priorities. Development Plan Documents are also required to set out specific performance data on which their success can be monitored.

8. **Legal and Statutory Implications**

- 8.1 The Planning and Compulsory Purchase Act 2004 sets out the requirements for the production of Local Development Plan Documents. However, local authorities have to adapt their approach to plan making as Government's requirements are subject to frequent change and to conform to national policies unless a different local solution can be justified.

9. **Equality Impact Assessment**

- 9.1 An Equality Impact Assessment will be undertaken on the final draft DPD.

10. **Major Risks**

- 10.1 Timely progress of the DPD is necessary otherwise there is a risk of the evidence base becoming out dated and ultimately the plan being found 'unsound'. Furthermore, the Council can not currently demonstrate a robust five year supply and is in a relatively weak position to control the location of development until the DPD is in place. Taking positive action by making progress with the DPD could minimise this risk.

- 10.2 The following factors could have an adverse impact on the proposed timetable:

- Number of consultation events taking place in advance of Issues and Options;
- Outcome of advanced consultations resulting in further consultation and unrealistic

demands;

- Delayed publication of the National Planning Policy Framework;
- Revised Local Plan Regulations and;
- Potential need to purchase a software system to manage the collation of representations submitted.

11. **Earlier Cabinet/Committee Resolutions**

- 11.1 In October, 2011, Cabinet agreed to the preparation of the Site Allocations and Policies Development Plan Document in accordance with a revised timetable and that a further report be submitted on an Issues and Options paper with further details of consultation arrangements.

12. **Appendices**

Appendix A – Draft Timetable for Alternative Scenario

Appendix B – H.M. Government Code of Practice on Consultation – Seven Consultation Criteria.

13. **Background Papers**

- Site Allocation and Policies Development Plan Document Draft Issues and Options Paper – Planning Committee December 2011
- Site Allocations and Policies Development plan Document - Scope of Contents and draft Timetable – Planning Committee and Cabinet, October 2011
- Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.
- Planning Policy Statement 12: Local Spatial Planning
- Statement of Community Involvement, 2005.
- H.M. Government Code of Practice on Consultation, 2008.

Appendix A: Site Allocations Issues and Options - Timetable for Alternative Scenario

Dates	2012												2013												2014										
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep		
Stages - timescale for alternative scenario	a) Instigate stakeholder consultation on the consultation arrangements b) Instigate stakeholder consultation on 'saved' policies c) Test SHLAA assumptions d) Prepare Draft Issues and Options Document, incorporating limited suite of generic policies e) Identify key transport & education infrastructure requirements f) Obtain Planning, Cabinet and Full Council approval.							1		a) Prepare draft sustainability appraisal b) Prepare Options document, incorporating full suite of generic development management policies d) Draft consultation arrangements c) Obtain Planning, Cabinet and Full Council approval.					2		a) Finalise sustainability appraisal b) Prepare final Draft Plan c) complete Equality Impact Assessment d) obtain Planning, Cabinet and Full Council approval.					3			Prepare Submission Document (***) see note below).		4		Examination by Planning Inspectorate including Public Hearing(s).					5	

*** NB: Assumes no substantive changes and therefore no need to seek Full Council approval. If substantive changes are required then this will necessitate an extra stage of consultation which will extend the process.

Consultation Stages	
1	Issues and options
2	Options
3	Draft Plan publication
4	Submission to Secretary of State
5	Adoption

H.M. Government Code of Practice on Consultation – Seven Consultation Criteria.

In July 2008, John Hutton – who later became Lord Hutton - produced for the Government the third version of a Code of Practice on Consultation.

This is still regarded as best practice.

He said: “Put simply, effective consultation allows the Government to make informed decisions on matters of policy, to improve the delivery of public services, and to improve the accountability of public bodies.”

He outlined seven consultation criteria which should be followed:-

Criterion One - When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion Two - Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion Three - Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion Four - Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion Five -The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion Six - Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion Seven - Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

He also recommended that to increase transparency, these criteria should be reproduced in consultation documents where possible.

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ASSET MANAGEMENT STRATEGY

Submitted by: Head of Regeneration and Assets

Portfolio: Regeneration and Planning

Ward(s) affected: All wards within the Borough

Purpose of the Report

To seek final Cabinet approval for the Asset Management Strategy dated 2011/12 – 2013/14.

Recommendation

That Members approve the Asset Management Strategy 2011/12 – 2013/14.

Reasons

The Strategy is a key document, which along with the Council's Capital Strategy and Medium Term Financial Strategy, forms the basis of the Council's Use of Resources.

1. Background

- 1.1 The Council's Capital Strategy and Asset Management Strategy are key documents evidencing the Council's approach to its Use of Resources. This Strategy provides a clear framework for understanding the value and condition of property owned by the Council so that, in turn, investment decisions can be taken to optimise the use of the said land/property to meet the needs of the Borough's residents, businesses and visitors. This Strategy along with the Council's Capital Strategy seeks to demonstrate alignment with, and delivery of, the Council's ambitions as set out in the Corporate Plan.
- 1.2 The Economic Development and Enterprise Overview and Scrutiny Committee reviewed the strategy at its meeting on 5 January and made no comments. You reviewed a report and the strategy itself at your last meeting (18 January 2012) and resolved to delay making any decision until the Transformation and Resources Committee had had the opportunity to pass comment on the strategy.

2. Issues

- 2.1 The Transformation and Resources Committee, at its meeting on 18 January 2012, reviewed the strategy and, following clarification of a few detailed points, resolved to make no adverse comments on the document.
- 2.2 In view of the latter it has not been necessary to make any changes to the strategy. Consequently the document has not been reproduced in this agenda so, in making any decision, members should refer to the previous agenda for the substantive report and strategy as necessary.

3. Previous Cabinet decision

- 3.1 18.1.12 – initial report and draft strategy.

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REGISTER OF LOCALLY IMPORTANT BUILDINGS AND STRUCTURES IN NEWCASTLE-UNDER-LYME SUPPLEMENTARY PLANNING DOCUMENT

Submitted by: Regeneration and Development

Portfolio: Regeneration and Planning

Ward(s) affected: All

Purpose of the Report

To consider the recommendation of the Planning Committee to adopt the Register of Locally Important Buildings and Structures in Newcastle-under-Lyme Supplementary Planning Document (SPD)

Recommendation

That the SPD as submitted is adopted.

Reasons

The consultation period expired in September 2011, and officers reported the result of the consultation to the Planning Committee on 6th December 2011. A revised version was submitted to that meeting, and the Committee recommended that the final version is now adopted, subject to minor drafting corrections. As the SPD is not a "Development Plan Document" it falls to be adopted by the Executive (i.e. the Cabinet).

1. Background

- 1.1 A draft Register of Locally Important Buildings and Structures Supplementary Planning Document (SPD) was agreed by Planning Committee in July 2011, for consultation purposes. The period for consultation ended on 23 September.
- 1.2 A final version of the SPD was submitted to Planning Committee on 6 December 2011, together with a summary of all comments made. The Committee recommended that Cabinet adopt the document as a formal Supplementary Planning Document within the Council's Local Development Framework. The content of the document agreed by the Committee is attached as Appendix A.
- 1.3 The SPD describes the formal process of how locally important heritage assets (buildings and structures which contribute significantly to the rich cultural heritage of the Borough) will be included on the Council's Register of Locally Important Buildings and Structures.
- 1.4 Once adopted, the SPD will supplement the objectives and policies contained in the Joint Core Spatial Strategy and inclusion on the Register will mean that the contribution to the local area will be given additional weight in the determination of planning applications. Another key purpose of the SPD is to raise awareness of the importance of locally significant heritage assets.

2. **Consultation Results**

- 2.1 Overall the consultation draft SPD received a relatively positive response from a wide range of practitioners, including English Heritage and Newcastle-under-Lyme Civic Society. It is considered that the experience from the first year of setting up the Register may have helped in this respect, as a number of issues had been fully considered prior to the drafting of the SPD. Furthermore the SPD follows best practice guidance from English Heritage.
- 2.2 There have been two key changes, firstly to make the purpose of the SPD clearer and secondly to amend the scoring system so that each criterion is now given an equal weighting.

3. **Next Steps**

- 3.1 Once adopted, the SPD, together with a Consultation Statement, will be posted on the Council's Planning website and available in hard copy if requested. Electronic copies of the SPD will be emailed to all those who participated in the consultation process.

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 4.1 The SPD will have a positive impact on the priority of 'creating a cleaner, safer and sustainable borough.'

5. **Legal and Statutory Implications**

- 5.1 The Council has legal and statutory duties in relation to the production of the SPD to undertake public consultation as set out in its adopted Statement of Community Involvement under the Local Development Framework. The Consultation Statement demonstrates that the Council undertook sufficient public consultations, using its best endeavours to consult and involve the community in the most effective way possible.

6. **Equality Impact Assessment**

- 6.1 The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy, which this SPD supplements, has been subject to an equality impact assessment.

7. **Financial and Resource Implications**

- 7.1 The cost of adopting the Supplementary Planning Document is already included in the budget.

8. **Major Risks**

- 8.1 The Borough Council will not be subject to major risks by adopting this SPD.

9. **Earlier Cabinet/Committee Resolutions**

- 9.1 Planning Committee, July 2011

10. **List of Appendices**

Appendix A - The SPD as recommended for adoption by Planning Committee

10. **Background Papers**

- Consultation draft SPD
- Copies of all representations made on the draft SPD (filed within the Planning and Development Service)
- The SPD Consultation Statement
- English Heritage: Good Practice Guide for local listing: Identifying and Managing Significant Local Heritage Assets. Draft for Consultation February 2011. <http://www.english-heritage.org.uk/caring/listing/local/local-designations/local-list/>
- Register of Locally Important Buildings and Structures

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**REGISTER OF LOCALLY IMPORTANT
BUILDINGS AND STRUCTURES IN
NEWCASTLE-UNDER-LYME**

**SUPPLEMENTARY PLANNING
DOCUMENT**

(photograph of historic buildings to be inserted)

LOCAL DEVELOPMENT FRAMEWORK

February 2012

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Section 1 Introduction, Purpose and Context

- 1.1 Newcastle-under-Lyme Borough Council recognises the importance and the diversity of the historic built environment and its contribution to the local distinctiveness of the Borough. As part of our cultural heritage the historic built environment merits protection. This SPD has been prepared as part of a range of measures the Council is taking to protect and enhance the Borough's historical assets and to fulfil the objectives of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy.
- 1.2 The Borough has a wealth of Listed Buildings of special architectural or historic interest, scheduled archaeological sites (Scheduled Ancient Monuments) and Registered historic parks and gardens. These are of recognised national importance and are designated by the Secretary of State for Culture, Media and Sport and English Heritage respectively. Consequently these sites benefit from special consideration and protection through the planning system.
- 1.3 Conservation Areas are also designated by the local authority and enjoy additional protection and consideration.
- 1.4 However, there are a number of buildings and structures, which are not of national importance, and which lie outside of Conservation Areas. These contribute significantly to the rich cultural heritage of the Borough, but are not protected by statutory controls. They deserve recognition so that their significance to the Borough's heritage can be given proper consideration in planning matters.
- 1.5 The Council, in consultation with the community, has drawn up a list of buildings and structures considered to be of significant local historic interest. This is the 'Register of Locally Important Buildings and Structures.' Buildings and structures which are nationally designated are not included on this Register, as their status is already recognised.
- 1.6 This 'Register of Locally Important Buildings and Structures Supplementary Planning Document,' sets out Newcastle-under-Lyme Borough Council's approach to identifying locally important buildings and structures and describes the formal process of including a building or structure on the Register. The planning implications of a building being included on the Register are set out in Section 2.
- 1.7 The aims of this SPD are to:
 - Formalise the process of compiling the Register of Locally Important Buildings and Structures;
 - Ensure that the contribution a building or structure on the Register makes to the local area will be a material consideration in the determination of planning applications or any other decision regarding its setting;
 - Raise awareness of the importance of locally significant heritage assets;

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- Provide some protection against demolition or undesirable alteration; and
- Prevent damaging development.

1.8 This SPD will ensure that both property owners and developers are well informed of the Council's expectations relating to the alteration or demolition of a building or structure on the Register prior to submitting a planning application.

Policy Context

National Planning Policy

1.9 National Planning Policy contains policies that seek to conserve and exploit the benefits of the historic environment and with which local policy must conform.

Local Planning Policy

1.10 The SPD forms part of the Local Development Framework for the Borough of Newcastle-under-Lyme, and aims to elaborate on the policies set out in the adopted Core Spatial Strategy. 'Policy CSP1 Design Quality,' seeks to ensure that new developments are appropriate in terms of scale, location and their context, and 'Policy CSP2 Historic Environment,' seeks to ensure that sites and areas of heritage value are safeguarded for the future. The supporting text to Policy CSP 2 (see Appendix 1) states that this will be undertaken in many ways, including keeping an up-to-date record of historic assets and a list of locally important buildings (the Register).

1.11 The list of buildings and structures on the Register was first compiled in 2010 and updated in October 2011. The Register will be kept up-to-date and regularly reviewed in accordance with the processes which are set down in this SPD. The Register itself does not form part of the SPD, otherwise it would be impossible to carry out regular reviews of the Register.

Section 2 Planning Implications of the Register of Locally Important Buildings and Structures

2.1 Inclusion of a building or structure on the Register does not confer protection equivalent to that available to nationally designated sites, such as Listed Buildings or Scheduled Ancient Monuments. Inclusion on the Register will not stop applicants obtaining planning permission, but when planning permission is required the local interest of a building or site will be treated as a material consideration.

2.2 Buildings, or structures on the Register are linked to the Council's Geographical Information System (GIS) system and this will ensure that the existence of these heritage assets will be taken account of in the determination of a planning application.

Demolition

- 2.3 Buildings or structures on the Register are not subject to special planning controls, and accordingly, unless they are within a Conservation Area, they can be demolished without the consent of the Authority being required, other than for the method of demolition and any proposed restoration of the site. However in the case of redevelopment proposals, the Council will ensure that the local interest of a building or site will be one of the material considerations in any planning decision.
- 2.4 The Council will need to be satisfied that the benefits of demolition and redevelopment outweigh any loss to the local public interest. The Council will adopt a presumption in favour of retaining the building, and so demolition will only be permitted in redevelopment proposals where the replacement scheme is of equal or superior quality.

Alterations

- 2.5 Existing planning controls apply to buildings on the Register. Many modifications to a building, such as external alterations, extensions, and changes of use may well require planning permission. (If you would like to know where to get further advice on when planning permission is required, Section 5 provides some contact details.) Proposals involving works to a building on the Register should respect the particular character and interest of the building or site. The local interest of a building or site will be a material consideration in determining an application but this does not mean that applicants cannot build extensions, etc.
- 2.6 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (SPD) provides further guidance on design standards relating to the historic environment, including help in assessing whether any planned alterations or new developments in the vicinity of a heritage asset are appropriate in terms of scale and site context. The Urban Design Guidance SPD can be downloaded from <http://www.newcastle-staffs.gov.uk/urbandesignguide>
- 2.7 In some cases external alterations to a building may be desirable and promote its maintenance and preservation. The building does not have to be preserved exactly as it is, however the Council requires any alterations to be sympathetic and of high quality. However in general the following should apply and proposals affecting buildings or structures on the Register should ensure that they preserve its local interest by:-
- Respecting the building's design, appearance, and any architectural or historical features in the design of any extensions or alterations.
 - Ensuring that wherever practicable, materials appropriate to the building's local interest are used.
 - Ensuring that any building within the curtilage or setting of a building or site on the Register is designed to be sympathetic to its appearance.

Permitted Development

- 2.8 The Town and Country Planning (General Permitted Development) Order 1995 (as amended) grants rights (known as permitted development rights) to carry out certain limited forms of development without the need to make an application for planning permission. There are no changes to permitted development rights arising from the inclusion of a building or structure on the Register. However, owners are encouraged to consider the particular interest, design quality and appropriate materials.

Maintenance

- 2.9 Owners are encouraged to carry out regular maintenance in order to safeguard the historic fabric of a building and avoid the need for more costly repairs in the future.

Grants

- 2.10 The Council operates a Conservation and Heritage Grant Fund which awards percentage grants towards the cost of the repair of historic buildings which are statutorily Listed or which lie within a Conservation Area. The percentage rate of grant that can be awarded is a maximum of 20% for Listed Buildings or 10% for historic buildings within a Conservation Area. It is the Council's intention to consider buildings or structures which are included on the Register for grant aid when undertaking eligible works, through the usual grant assessment procedures. Details of this grant can be found on the Council's website – click on 'Conservation'.

Section 3 Selection criteria for identifying a building for inclusion on the Register

- 3.1 In drawing up the 'Register of Buildings and Structures of Local Interest,' the Council will use the following criteria to assess their importance and suitability for inclusion. These criteria are based on the published criteria for national statutory Listing. For inclusion on the Register a building or structure should have some architectural or historic special interest. This would include a combination of the following criteria: -
- Authenticity: (2 marks).
 - Architectural Interest: This includes buildings that are of interest on account of their design, decoration and craftsmanship. Architectural interest includes examples of local vernacular buildings, examples of particular building types and the work of important architects (2 marks).
 - Historical interest: This includes buildings that illustrate important aspects of social, economic, or cultural history or are associated with notable people or events (2 marks).

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- Visual Importance: This includes particularly prominent buildings in a locality, street or landscape or which contribute to local landscape character (2 marks).
- Community value: (2 marks).

3.2 In all of the above, particular consideration should be given to the completeness and integrity of the building or structure and a scoring system will be used to ensure that an asset is considered suitable. A score of seven out of 10 will ensure the historic asset will be put forward for inclusion on the Register. A glossary of the nomination criteria is provided in Appendix 2.

Assessing the nominations for the local Register

3.3 Local groups, a member of the public or an owner, can nominate a building or structure for inclusion on the Register. Nominations must be on an official form and should be completed and sent to the Planning Service. Visit www.newcastle-staffs.gov.uk/localregister for forms or information about the Register.

Selection Panel

3.4 The nomination will be assessed by the Assessors Panel. The Panel is made up of local councillors, a representative of the local Civic Society, and others with a particular interest and expertise in the local Historic Environment. The Council has resolved that the Panel membership should be determined by the Council's Conservation Advisory Working Party. The Panel will assess the suitability of the building for inclusion on the Register, based on the above criteria. Once selected, the Register will be submitted for public consultation.

3.5 Owners or occupiers dissatisfied with the decision to include their building on the Local Register will be able to write and make a formal objection to inclusion, within the relevant timescales.

3.6 For additions to the Register, the Panel's recommendations will be submitted to the Planning Committee for consideration and approval. Objections will also be considered by Committee. Owners will be informed of the decision made.

3.7 Buildings, which are the subject of a current planning application, will not be considered for inclusion on the Register, until the application has been determined.

Section 4 Monitoring and Review of the Register

4.1 The Register will be reviewed every year (resources permitting), and will be ratified by Planning Committee as set out above. Once agreed the adopted Register and any subsequent amendments will be published on the Council's

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website, (see Section 5) and made available in print. The Register will also be sent to the County Council for inclusion on the Historic Environment Record.

Appeals against the non- inclusion of buildings on the Register

- 4.2 Buildings which have been considered for inclusion on the Register and have been previously rejected will not be considered for nomination again, unless the selection criteria are changed, or further information has been provided to enable a better assessment of the building to be made. A list of these buildings will also be added to the Register of Locally Important Buildings and Structures page at www.newcastle-staffs.gov.uk/conservation .

Section 5 Further Advice and Information

- 5.1 To find out more about when planning permission is required visit the Planning Portal at www.planningportal.gov.uk and www.newcastle-staffs.gov.uk/planning.
- 5.2 For further advice on the application of the Council's policies on the historic environment please visit www.newcastle-staffs.gov.uk/conservation or for more information contact Louise Wallace, Conservation Officer, Newcastle-under-Lyme Borough Council, Merrial Street, Newcastle-under-Lyme ST5 2AG, Tel: 01782 742408
- 5.2 English Heritage: Good Practice Guide for local Listing: Identifying and Managing Significant Local Heritage Assets. Draft for Consultation February 2011

Appendix 1

Extract from Core Spatial Strategy

Policy CSP2 – Historic Environment

Both Councils will seek to preserve and enhance the character and appearance of the historic heritage of the City and the Borough including buildings, monuments, sites and areas of special archaeological, architectural or historic interest.

- 6.19 This policy seeks to ensure that sites and areas of particular heritage value are safeguarded for the future and enhanced both for their own heritage merits and as part of wider heritage regeneration proposals. Conservation areas and building that are statutorily Listed have some protection under the Planning Acts and National Planning Policy guidance to ensure preservation. However, sites and areas of heritage importance, including buildings in a local list, are not so protected and the design guidance to be set out through the Design Supplementary Planning Document will seek to preserve their local architectural or historic interest through the Development Control process.
- 6.20 This policy will be implemented in the following ways:
- Through the application of the Newcastle Conservation and Heritage Guidance Supplementary Planning Document.
 - Through the production of Conservation Area Appraisals and Management Plans.
 - Through the up to date record of historic assets and a list of locally listed buildings for each respective local authority area
 - Each Council will make financial provision to help conserve its historic heritage through an annual allocation to its Conservation and Heritage Fund for grants to repair and restore historic buildings.
 - The compilation and maintenance of a “Buildings at Risk” Register, which will highlight priorities for action for buildings of special architectural or historic interest or unlisted buildings in a conservation area. Where such buildings are at risk each Council will seek to help owners to use and maintain their property through a combination of advice, grant assistance and, if necessary, take action to ensure repairs/urgent works are undertaken under Section 48 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appendix 2**Glossary of terms for Nomination Form****Authenticity**

How true to the original design is the building or structure? Does it retain its original features unaltered ?

Architectural Interest

What is the design of the building or structure, its decoration and craftsmanship, plan forms? Is the building an example of a particular style (e.g. technological innovation)?

Historic Interest

Does the building show important aspects of the areas social, economic or cultural history? Is the building associated with important people or an important event?

Visual Importance and Group Value

What communal association does the building have with the area? Is it visually striking in the streetscene? Does the building or structure have group value in visual design or historic relationship terms?

Community Value

How important is the asset to the community as a source of local identity and distinctiveness, i.e. collective memories?

LOW CARBON FUND

Submitted by: Joanne Basnett

Portfolio: Environment and Recycling

Ward(s) affected: All

Purpose of the Report

To seek endorsement to utilise the Improvement and Efficiency West Midlands (IEWM) Low Carbon Fund funding to support capital projects to deliver carbon savings.

Recommendations

(a) To note the contents of the report.

(b) To note the decision of the Portfolio Holder for Environment and Recycling that the £35,000 funding is claimed from the Improvement and Efficiency West Midlands to deliver energy efficiency improvements in the premises referred to in the report.

(c) To authorise officers to update the Carbon Management Plan, in consultation with the Portfolio Holder, to reflect the planned delivery of the Low Carbon Funded projects in 2012.

Reasons

The Council's Carbon Management Plan which was adopted in 2011 outlines the approach to reducing carbon emissions and sets out in an action plan what projects will be undertaken. This report outlines the successful bid to the IEWM for £35,000 Low Carbon Fund, which will be used to enable the Council to complete several projects in the Carbon Management Plan Delivery Plan earlier than planned.

Due to the funding needing to be claimed within a limited time period and the requirement to complete the works shortly after the end of this financial year, delegated approval has been sought from the Portfolio Holder for Environment and Recycling to commission the contractors. This report alerts members to that decision and recognises the need to proceed with the works in order to meet the funding body's timetable for delivery.

1. **Background**

- 1.1 The Council has a Carbon Management Programme to deliver a reduction in carbon emissions from operations and estate by 30% from a baseline established in 2009/10.
- 1.2 A Carbon Board was formed to provide strategic direction and provide a link between the programme, the Executive Management Team and Cabinet. A key role of the Board is to report overall progress and seek executive approval for continuing delivery of the plan. Whilst the Board leads on delivery of the plan it is appropriate that Cabinet makes any formal decision to proceed with projects, notwithstanding the use of external funding.
- 1.3 The Carbon Management Plan (CMP) outlines the Council's plans to deliver a wide range of projects to save carbon, these ranged from behavioural changes to capital improvements. The programme included a list of definitive funded projects for completion in 2010 and 2011 and a further list of projects for later years which were clearly identified as not funded. The majority of schemes that did not have any funding allocated to them were timetabled to be

delivered in later years (2012 – 2014). In view of the significant front-loading of project delivery within the approved CMP and the limited availability of Council capital funding for 2012/13 (as known at the time of writing) it was understood that further project delivery would have to be reliant upon potential external funding; the Carbon Trust was cognisant of this when approving our Plan.

2. **Issues**

- 2.1 Last year the Improvement and Efficiency West Midlands partnership (IEWM) ran a bidding round for local authorities to engage with the efficiency programme. Officers made a bid for funding utilising the Carbon Management Plan as the evidence base.
- 2.2 On 24 October 2011 the Council received confirmation from IEWM that they would award £35,000 to support five key carbon savings projects requiring capital investment.
- 2.3 This funding is awarded on submission of satisfactory returns, evidence of financial expenditure and confirmation of compliance of funding conditions. The key issue here is that in agreeing to accept the grant funding the Council has to agree to pay 10% of the subsequently generated annual revenue savings back to IEWM for 3 years following the first year of implementation.
- 2.4 The IEWM chosen projects were:

	Indicative Cost £'s	Notional annual Savings £'s
AMR's	12,000	29,490
Bathpool wall insulation	500	743
Merrial Street Public Toilet hot water replacement	7,000	2,660
Birchenwood insulation	4,500	1,679
Museum low energy lighting	8,500	2,886
Total (rounded)	35,000	36,000

- 2.5 It is important to note that the indicative costs of the above projects were based upon estimates rather than detailed quotations so since IEWM's grant offer officers have carried out a more detailed review (taking account of practical issues and by seeking formal quotations) for undertaking work on the IEWM five chosen projects. This review has identified several issues and, subject to Cabinet approval, officers will finalise negotiations with IEWM to undertake a wider range of projects.
- 2.6 The chosen projects are:

	Actual Cost	Original Estimate	Potential Annual Savings
AMRs	£8,650	£12,000	£20,000
Bathpool Ski/Rugby Clubs - Cavity wall insulation	£700	£3,500	£800
Museum - Low Energy Lights, Double glazing.	£9,600	£N/A	£2500
Knutton Depot Offices – Cavity wall insulation	£2,185	£2,500	£800

Garages/Workshop external yard – Lighting Controls & Office PIR's	£3,500	£3,500	£1275
Alexandra Road Changing Room – Cavity wall insulation	£700	£4,000	£380
Kidsgrove Public Offices – Rear Extension – Cavity Wall Insulation	£1,500	£2,500	£800
Crematorium – House, Chapel, Toilets, Canteen Area - Cavity Wall Insulation	£500	£4,500	£300
Merial St Toilets – Install fuel efficient boiler	£1,150	£5,000	£800
Midway Lighting Controls	£2000	N/A	£2000
Passive Infra Red lighting – Various.	£4,500		£1800
Total	£34,985		£31,455

3. **Options Considered**

- 3.1 The Council could have decided to refuse the grant funding and leave the plans in the Carbon Management Plan unfunded and therefore undeliverable this year. It was considered that the better alternative was for the Council to accept the grant funding, update the Carbon Management Plan Delivery Plan and implement the works described thereby achieving the CMP's objectives and saving costs to the Council in the long term.

4. **Proposal and Reasons for Preferred Solution**

- 4.1 In light of the success of the IEWM grant the preferred solution was to accept the IEWM funding and to deliver the identified projects in 2012. In view of the fact that the works would be fully funded; that they were consistent with the objectives of the Council's approved Carbon Management Plan; and that there was a pressing timetable to deliver the works to meet the funding body's requirements; it was deemed appropriate for the decision to be taken by the Portfolio Holder for Environment and Recycling. In undertaking this work it would be appropriate for officers to be authorised to update the Carbon Management Plan Delivery Plan to properly identify the 2012 projects.

5. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 5.1 The delivery of the Carbon Management Plan clearly contributes to the priority of creating a cleaner, safer and sustainable borough.

6. **Legal and Statutory Implications**

- 6.1 In claiming the funding from the IEWM the Council is required to commit to paying 10% of the financial savings for 3 years.

7. **Equality Impact Assessment**

- 7.1 The benefits of investing in energy efficiency measures will benefit all members of the community and will not impact on particular equality strands.

8. **Financial and Resource Implications**

- 8.1 The grant of £35,000 can be claimed from the IEWM after completion of the projects which needs to be before the end of April 2012. Delivery of the projects – assuming that energy prices remained static – would mean the Council saving approximately £30,000 per annum.

It is worth noting that this year has been unusually mild and as such this year's heating bills will be lower than normal, therefore adjustments may need to be made for the base year data. As stated earlier the Council has to pay 10% of the subsequently generated annual revenue savings back to IEWM for 3 years following the first year of implementation.

- 8.2 The revised Carbon Management Plan will still identify potential projects that currently have no funds allocated to them. These will be kept under review as part of ongoing capital programme planning.

9. **Major Risks**

- 9.1 The risk assessment for the Carbon Management Plan identifies that potential lack of funding will mean that the projects may be undeliverable within the set timescales. Clearly the availability of this external funding will help to mitigate that risk.

- 9.2 Officers considered the significant risk of the low carbon projects not being delivered within the set timescales and it was agreed that the time to seek Cabinet approval would increase this risk. Consequently the Portfolio Holder for Environment and Recycling agreed to support the officers' proposed approach to the projects thereby allowing the commissioning of the preferred contractors based on the quotations for the works. This approach has enabled orders to be placed with contractors to reduce the risks of failing to complete the projects by the IEWM deadline.

10. **Key Decision Information**

- 10.1 The funding will deliver improvements to Council buildings that are used by a range of the residents potentially from wards across the Borough.

11. **Earlier Cabinet/Committee Resolutions**

- 11.1 The Carbon Management Plan was adopted by Cabinet on 9 February 2011.

12. **List of Appendices**

None.

13. **Background Papers**

None.