

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.