

Report To:	EXECUTIVE CABINET
Date:	29 June 2016
Executive Reporting Officer:	Member/ Councillor John Taylor, Deputy Executive Leader Damien Bourke, Assistant Executive Director – Development, Growth and Investment
Subject:	LOCAL DEVELOPMENT SCHEME (LDS)
Report Summary:	The report sets out an up to date Local Development Scheme (LDS) required in accordance with Section 15(7) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS sets out the key milestones for plan making that the Council proposes to deliver, and identifies the nature and scope for the delivery of Development Plan documents including the Local Plan. The LDS must be published and monitored once approved.
Recommendations:	<ol style="list-style-type: none"> 1. That the draft LDS is approved for publication. 2. That the Executive Cabinet delegate authority for future amendments to the LDS to be approved by the Executive Director – Place in consultation with the Deputy Executive Leader
Links to Community Strategy:	The LDS is the project plan that will deliver the Local Plan. This will be closely aligned with the Community Strategy, creating a spatial expression of its aims and priorities. It aims to deliver the aims and vision of the Community Strategy through its Strategic Objectives.
Policy Implications:	The LDS sets the scope and programme for strategic planning policy development. The actual development and setting of policy will be the subject of the documents highlighted for delivery within the LDS.
Financial Implications: (Authorised by the Section 151 Officer)	<p>It is important that the LDS is brought up to date as a matter of urgency to ensure we continue to make sufficient progress to produce a Local Plan, of which the GMSF is an integral part, by early 2017. Failure to have made adequate progress on a Local Plan by this time could result in the withholding of new homes bonus. CLG will take into account progress made on the GMSF when deciding on the award of the New Homes Bonus in 2017/18 and any interventions on Local Plans.</p> <p>The service currently has a designated budget to assist with the funding of activity set out in the LDS. Should costs exceed this amount and where necessary to comply with statutory processes additional funding would need to be identified.</p>
Legal Implications: (Authorised by the Borough Solicitor)	A Local Development Scheme is required in accordance with Section 15(7) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). <u>Any changes in line with recommendation 2 will be executive decisions so will need to follow appropriate governance.</u>
Risk Management:	Without an up to date LDS reflecting what the Council plans to

deliver, including the important role that Tameside plays in the development of the Greater Manchester Spatial Framework (GMSF), there is a significant risk that Government may decide that the Council is not making sufficient progress in its plan making responsibilities and consider interventions such as potentially withholding New Homes Bonus payments from 2017. Publication of an up to date LDS, and delivery to the programme identified is critical in order to mitigate that risk.

Access to Information:

The background papers relating to this report can be inspected by contacting the report writer: Paul Moore, Head of Planning



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1.0 INTRODUCTION

- 1.1 The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires all authorities to produce a Local Development Scheme (LDS) which principally sets out the timetable for preparing their Local Plan, to be revised at such time as they consider appropriate. As a result of changes brought forward by the Localism Act 2011, it is no longer necessary for the LDS to be submitted to the Secretary of State (although the Secretary of State may direct that the LPA make any changes they think appropriate).
- 1.2 In early 2014 a decision was taken at the Combined Authority by all ten districts to commit to work on the production of the Greater Manchester Spatial Framework (GMSF) a document to guide strategic housing and employment growth across Greater Manchester, and the ten districts, for the next 20 years. A formal decision by the Council to participate in the production of the GMSF followed (29 August 2014) which had the effect of pausing plan production at a local level on what was known as the Core Spatial Strategy (CSS). This was unavoidable given that the Council would have faced significant difficulties progressing its own plan which would have been undermined by the emerging GMSF evidence base effectively leaving the Council in a situation whereby it would have almost inevitably failed in respect of the key legal tests of 'soundness' and 'duty to cooperate'.
- 1.3 Tameside's most recent LDS was approved in July 2012 and this set out the programme for the Core Strategy, now held in abeyance. Since then, there have been some fundamental changes to planning policy and emerging changes to legislation, not least the strong commitment from Government to getting Local Plans in place and ensuring the homes in those plans are being delivered. This includes the on-going preparation of the Greater Manchester Spatial Framework. Recent communication from the Deputy Director – Development Plans from Communities and Local Government (CLG) has, very significantly, pointed out that not all Local Development Schemes are up to date and in place for the Greater Manchester authorities and that these need to be updated as a matter of urgency so that there is clarity on the timetable for the GMSF and the timetable for the subsequent production, or updating, of local plans. Revisions to the LDS for Tameside are now critically important to bring it up to date, and a mechanism for delegated Authority to keep it up to date is also recommended.
- 1.4 To bring the LDS into effect, the local planning authority must resolve that the scheme is to have effect and in the resolution specify the date from which the scheme is effective. This report seeks approval for the Local Development Scheme (June 2016) to have immediate effect if approved by Executive Cabinet on 29 June 2016.
- 1.5 In order to remain sufficiently flexible and reactive to emerging Government policy and to maintain the clear links between the timing of GMSF production and the Tameside Local Plan it is recommended that authority for future amendments to the LDS (which is fundamentally a programme of work) are delegated to the Executive Director – Place in consultation with the Deputy Executive Leader. The approval of any Plans and Documents identified in the LDS will remain key decisions for Cabinet and in some cases require Full Council approval as set out in the Constitution

2.0 ISSUES

- 2.1 For the reasons set out above and whilst considerable progress had been made with progressing work on developing a Tameside CSS, including consultation on Issues and Options and Preferred Options in 2012 and 13, Tameside does not currently have an up-to-date local plan. Whilst the work undertaken to date is by no means redundant, and could help to provide the structure and content for much of what will need to be included in the Local Plan, a number of significant changes to the scope of the document are required having regard to the fact that the a new Local Plan will need to include site allocations

policies and a fully revised policies map going beyond what was envisaged with the Core Strategy and the resolution approved by members in 2012.

2.2 Government is currently examining ways in which local authorities can be compelled to progress their Local Plans and as a consequence there are a number of significant issues arising from two proposed changes to Government policy:

- The proposed Local Plan 2017 deadline set out in the Housing and Planning Act; and
- The consultation on proposed changes to the New Homes Bonus (NHB) Scheme.

The Local Plan 2017 deadline is a key policy initiative, and if enacted, would allow for intervention by the Secretary of State where there is no up-to-date Local Plan in place by early 2017. It is not exactly clear what will trigger intervention by the Secretary of State as there is no clear indication of what stage a plan would have to reach in order to avoid this measure. Perhaps the more significant concern is the proposed changes to the NHB regime which adds a further dimension to this deadline. Of the proposals included within the consultation on changes to the NHB regime, it is the withholding of NHB payments where there is no Local Plan by early 2017 that is perhaps the most significant given the challenging financial climate.

2.3 The recent NHB consultation closed on the 10 March 2016. Communication with the Deputy Director - Development Plans at Communities and Local Government (CLG) confirms that Government recognises there is political agreement for the GMSF to address the strategic issues across the city region in a single plan, from which post National Planning Policy Framework (NPPF) compliant Local Plans will be produced (i.e. the Tameside Local Plan).

2.4 Final decisions on the award of new homes bonus will be taken by Ministers having regard to responses to the consultation, and that decision is as yet unknown. The communication from CLG confirms that they remain fully committed to the GMSF and recognise the advantages in planning at the city-region level so, subject to Ministerial decisions following the outcome of the consultation, CLG expect to take into account progress made on the GMSF when deciding on the award of the New Homes Bonus in 2017/18 and any interventions on Local Plans.

2.5 Critically CLG has pointed out that not all Local Development Schemes are up to date and in place for the Greater Manchester authorities and that these need to be updated as a matter of urgency so that there is clarity on the timetable for the GMSF and then the timetable for the production, or updating, of local plans. CLG need to see progress against that timetable and expect to see a draft GMSF published for consultation by October 2016. It was also pointed out that if the GMSF is delayed and local plans are not being produced then there will be no certainty on how the homes needed in Greater Manchester will be delivered and any slippage in the timetable would run the risk of the Bonus being withheld. The final position will be subject to Ministerial agreement but CLG confirm that they recognise the particular circumstances in Greater Manchester and they will continue to support bringing forward the GMSF.

2.6 As indicated above, there is a requirement to produce and maintain a LDS that should include an up-to-date project plan for the Local Plan, setting out its scope, geographic coverage and timetable and a revised LDS is now required to reflect the need to prepare a Local Plan that reflects the fact that the Council is actively supporting progression of the GMSF. If Tameside's Local Plan is set to reflect and be in conformity with the GMSF as it develops then the timetable for Tameside's Local Plan production needs to track the GMSF timeline with a reasonable gap to interpret, react and respond to the GMSF as it progresses towards adoption. The GMSF will, when adopted, form part of the Statutory Development Plan for Tameside.

- 2.7 The current programme for future stages of development of the GMSF is:
- Consultation on Draft GMSF: October – November 2016
 - Publication of proposed submission documents: June 2017
 - Submission: November 2017
 - Examination: February – April 2018
 - Adoption: January 2019
- 2.8 The revised LDS therefore sets out the following timetable for the next steps in the preparation of the Tameside Local Plan, reflecting and tracking the timescale for GMSF production:
- Consultation on the Sustainability Appraisal Scoping Report: October-November 2016
 - Consultation on a Draft Local Plan: August – September 2017 (*Issues will flow from the GMSF consultation*)
 - Publication of proposed submission documents: May – June 2018
 - Submission: November 2018
 - Examination: March – April 2019
 - Adoption: Autumn 2019
- 2.9 Progress with the preparation of the two key plans within the LDS needs to be assessed each year as part of the Authority's Monitoring Report, however continuous monitoring is necessary and a more frequent amendment may be required. The Localism Act 2011 also requires up-to-date information showing the state of the authority's compliance (or non-compliance) with the LDS timetable to be made available to the public. This information should be published on the Council's website.
- 2.10 In order to ensure the timetable is kept up-to-date, authority is sought for the Executive Director - Place and the Executive Portfolio Holder to make any future timetable amendments as necessary together with any changes to the content of the LDS, and to resolve the date from which such amendments shall have effect.
- 2.11 Members should also note the decision making requirements for the various documents that will form part of or support the development plan. These requirements are set out in the LDS and the levels of political responsibility for approving the Local Plan at its various stages of preparation are as follows:
- Cabinet Decision for the draft Local Plan;
 - Full Council resolution required for the Publication Plan (with delegated powers given to the Deputy Executive Leader to approve minor post-publication changes and the Submission of Local Plan to the Secretary of State); and
 - Full Council resolution to adopt the Plan.
- 2.12 For the Greater Manchester Spatial Framework, the levels of political responsibility have already been agreed and are as follows:
- AGMA Executive decision for all pre-submission stages until the election of a Greater Manchester Mayor in 2017 at which point approval will be required from the Mayor and the GMCA Cabinet; and
 - Full Council resolution required by each of the 10 Greater Manchester authorities for the submission and adoption stages.
- 2.13 For the Statement of Community Involvement and each Supplementary Planning Document the levels of political responsibility are for Cabinet Decision for all stages, including adoption.

- 2.14 It is currently anticipated that delivery of the Local Plan will be met from the existing identified budget. However, the implications for the budget of any accelerated timetable for the Local Plan may necessitate a review of resource requirements.

3.0 CONCLUSION

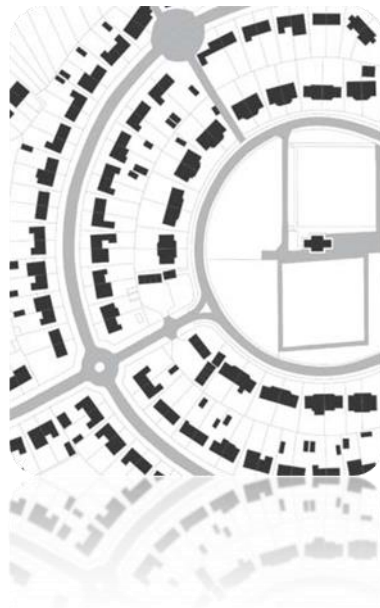
- 3.1 There is a statutory requirement for each Local Planning Authority to produce a Local Development Scheme (LDS) setting out the key milestones for producing a Local Plan for its area, which is clearly critical given the emerging Government Policy.
- 3.2 CLG has, significantly, pointed out that not all Local Development Schemes are up to date and in place for the Greater Manchester authorities and that these need to be updated as a matter of urgency so that there is clarity on the timetable for the GMSF and then the timetable for the production, or updating, of local plans. The revised LDS sets out the timetable for the GMSF and Tameside's Local Plan and members are requested to approve the proposals for the LDS as a realistic and practical approach to Local Plan preparation, making use of existing resources, and addressing the Government's strong desire for the GMSF and Local Plans to be delivered.
- 3.3 The priority is to make progress on a draft Local Plan setting out the vision and policies for the Borough as soon as practicable whilst, at the same time, reflecting and conforming with the continued progression of the GMSF.
- 3.4 The provision for delegated authority to the Executive Director – Place, and the Portfolio Holder to make future changes to the LDS is intended to give the Council the scope to respond quickly and effectively to issues as they emerge and, in line with Government intentions, for the Borough to take a pro-active approach to having an up to date programme for getting an adopted plan in place as soon as practically possible. The content of strategic development documents will of course require Executive Cabinet, and in some cases Full Council approval.

Tameside Metropolitan Borough Council

Local Plan

Local Development Scheme

June 2016



Strategic Planning
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1.0 Tameside Local Development Scheme

XX June 2016

This Local Development Scheme (LDS) is required in accordance with Section 15(7) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). This scheme was approved by Key/Executive Decision on XX June 2016 following consideration by the Executive Cabinet on the same date. The scheme is brought into effect on XX June 2016.

2.0 Introduction

The Planning and Compulsory Purchase Act 2004 introduced the requirement for Local Planning Authorities to prepare and maintain a Local Development Scheme (LDS). A LDS sets out a timetable for the production of new or revised Development Plan Documents (such as a Local Plan).

The Council prepared its first LDS in 2007, and issued updates in 2009, 2010, 2011 and 2012.

This 2016 LDS, which supersedes the most previous version, sets out a planning work programme for the Council over a three-year period to 2019. It will be regularly reviewed to keep it up to date.

2.1 What are the current adopted Development Plan Documents for Tameside?

The current adopted Development Plan Documents for Tameside are the following:

- Saved policies from the Tameside Unitary Development Plan 2004;
- Greater Manchester Joint Waste Development Plan Document 2012; and
- Greater Manchester Joint Minerals Development Plan Document 2013.

3.0 The Proposed Development Plan for Tameside

3.1 What new Development Plan Documents are to be prepared?

Greater Manchester Spatial Framework

The Greater Manchester Spatial Framework (GMSF) will provide the overarching strategic context for the Greater Manchester conurbation. The key policy areas will primarily focus on housing and employment land requirements for GM, the infrastructure requirements to deliver this and the environmental capacity of GM to accommodate this in the most sustainable manner.

The Spatial Framework is currently being progressed as a Joint AGMA Plan. This will become, in 2017, a Plan of the Mayor requiring unanimous approval of the Cabinet of 10 district executive leaders. Once adopted the GMSF will be a spatial development strategy and the Tameside Local Plan would need to be in general conformity with it.

The GMSF is just one of a suite of documents through which GMCA is progressing its growth and reform ambitions, namely:

- A GM 'Vision' which extends beyond the Greater Manchester Strategy;
- Residential Growth Strategy setting out how we will bring forward land to meet our identified demand;
- A Transport Strategy;
- An Infrastructure Plan; and
- Investment strategy, sitting alongside financial tools such as the Manchester Investment fund, the Housing Investment Fund etc.

The Tameside Local Plan

The Tameside Unitary Development Plan had previously been reviewed with the aim of replacing it with a Core Strategy and Development Management Development Plan Document by 2014/2015.

This timetable was superseded due to the collaborative work being undertaken by all the Greater Manchester authorities on the GMSF commencing in 2014.

Therefore, the Council will now produce a Local Plan consisting of the following in order to replace the UDP and provide the necessary policy detail where that is absent from the scope of the GMSF:

- Strategic Policies;
- Development Management Policies;
- Site Allocations; and
- Policies Map.

Supplementary Planning Guidance and Documents

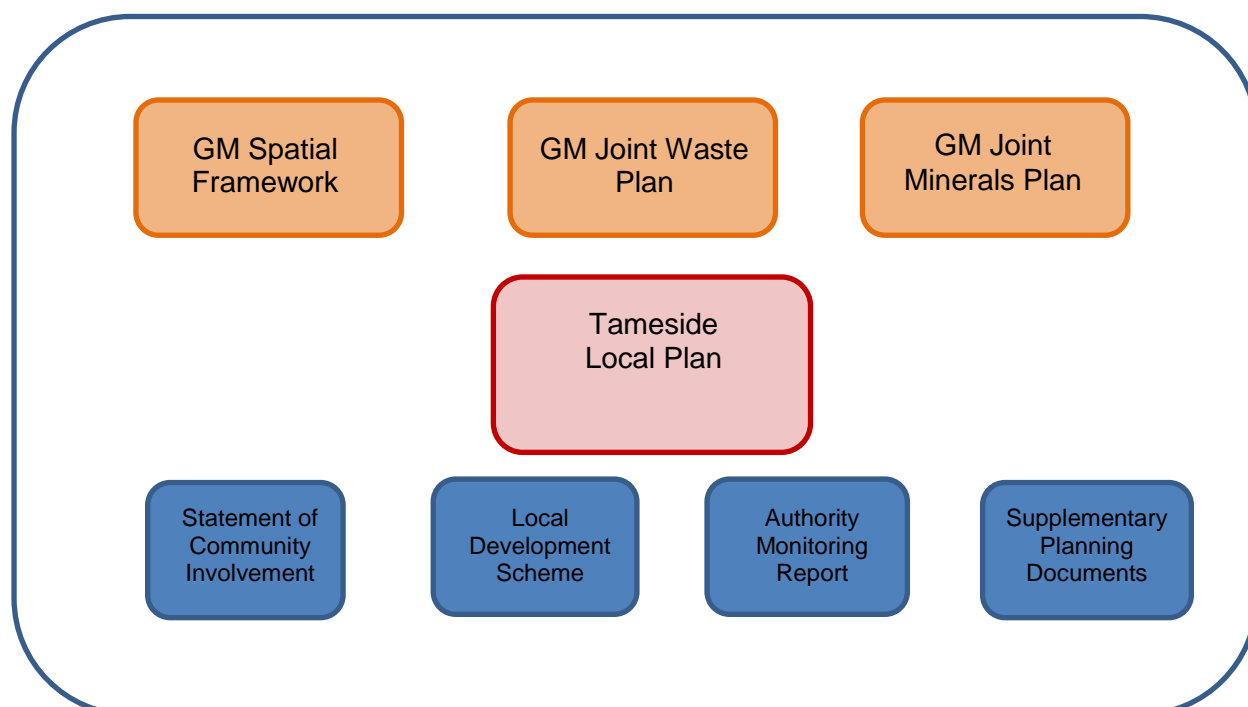
In addition to the Local Plan, local authorities can prepare Supplementary Planning Documents to add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design.

Prior to the introduction of the Planning and Compulsory Purchase Act in 2004, these documents were prepared as Supplementary Planning Guidance (SPGs) to support the Unitary Development Plan. Existing SPGs will be carried forward and will remain in force where linked to a relevant 'saved' policy of the Tameside UDP.

New SPD's may be developed against 'saved' policies of the Tameside UDP. Once the UDP policies are superseded, the current SPG's/SPD's cannot be treated as material planning guidance in the determination of planning applications as the policy basis for them will be removed. New SPD's will need to be adopted to reflect the new policy framework within the GMSF and Local Plan. It is not currently considered necessary or appropriate to develop new Borough wide SPD's until the new Development Plan is in place although work will continue to finalise the Haughton Dale SPD which is now nearing adoption and will provide design guidance for this specific part of the Borough.

3.2 Development Plan Structure

On completion and adoption the structure of Tameside's Development Plan will consist of the components shown below:



The new Thameside Local Plan is due to be adopted in Autumn 2019, following public consultation and examination by the Planning Inspectorate on behalf of the Secretary of State. A more detailed schedule covering the preparation of the GMSF and the Thameside Local Plan is set out below.

4.0 Public Participation

As part of the preparation of a Local Plan, the Council must notify specific consultation bodies; along with general consultation bodies, local residents and persons carrying out business in the area as appropriate; of the subject of the local plan we are proposing to prepare and invite them to comment on what the document should contain.

The scale and nature of public participation will vary according to the stage of document production and will be guided by the Council's Statement of Community Involvement (SCI). This sets out the approach to involving stakeholders and the community in the production of all local development documents. The original SCI was adopted in July 2006. An up to date SCI is due to be published for consultation in July/August 2016 and subsequently adopted during September/October 2016 taking account of consultation responses in accordance with appropriate regulations to ensure it remains fit for purpose.

5.0 Plan Preparation Schedule

Document	Subject matter and geographical area	Chain of Conformity	Consultation	Publication of Submission Draft DPD and Public Consultation	Submission of DPD	Examination of DPD	Adoption of DPD	Policies it will replace
Greater Manchester Spatial Framework	The GMSF will focus primarily on housing and employment land requirements for GM, the infrastructure requirements to deliver this and the environmental capacity of GM to accommodate this in the most sustainable manner for the whole of Greater Manchester (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan).	Consistent with national planning policy and having regard to the Greater Manchester Strategy, Greater Manchester Growth and Reform Plan.	Initial Evidence Base November 2014 Draft Growth Options November 2015 - January 2016 Consultation on Draft GMSF October – November 2016	June 2017 ¹	November 2017	February-April 2018	January 2019	

¹ The timetable will need to be reviewed once the status of the plan has been confirmed by legislation and supporting regulations. The submission Plan will require the approval of the 10 Full Councils.

Document	Subject matter and geographical area	Chain of Conformity	Consultation	Publication of Submission Draft DPD and Public Consultation	Submission of DPD	Examination of DPD	Adoption of DPD	Policies it will replace
Tameside Local Plan 2016	Sets out the vision, objectives and strategy for the spatial development of Tameside. Lists sites allocated for development, which are illustrated on an accompanying Policies Map. Sets out the policies against which planning applications will be considered. Covers the whole of Tameside Metropolitan Borough Council's administrative area.	Conformity with the NPPF and GMSF.	Reg 18 Notification July – August 2016 SA Scoping Report October – November 2016 Draft Local Plan August -September 2017	May- June 2018	November 2018	March – April 2018 ²	Autumn 2019	All remaining saved policies in the Tameside UDP 2004.

² The timetable at this point will be determined by the Planning Inspectorate and is not a matter for the Council to control.

Further Information

Below are links to websites which will assist should you require further information on LDSs

- The Planning and Compulsory Purchase Act 2004:
<http://www.legislation.gov.uk/ukpga/2004/5/contents>
- The Town and Country Planning (Local Planning) (England) Regulations 2012:
<http://www.legislation.gov.uk/uksi/2012/767/contents/made>
- Planning Advisory Service:
<http://www.pas.gov.uk>
- Planning Portal:
<http://www.planningportal.gov.uk>
- Planning Practice Guidance:
<http://planningguidance.planningportal.gov.uk/blog/guidance/>