

CALDERDALE LOCAL PLAN

LOCAL DEVELOPMENT SCHEME 2018 REVISION:

Brought into effect 21 June 2018

INTRODUCTION

- 1.1 The publication of a Local Development Scheme (LDS) is required under the Planning & Compulsory Purchase Act 2004. The LDS sets out the timetable for the production of the Local Plan.
- 1.2 The latest advice from the Government indicates that the LDS should be kept as short as possible in order to provide accessible information about the timetable proposed by the Council for the production of Development Plan Documents. There are no longer requirements for the LDS to be prepared in collaboration with the Secretary of State.

WHAT DEVELOPMENT PLAN DOCUMENTS ARE PROPOSED?

- 2.1 Calderdale Council is currently producing one Development Plan Document (DPD) as follows: -
 - **CALDERDALE LOCAL PLAN (DPD);**
 - **GYPSY, TRAVELLERS AND TRAVELLING SHOW PEOPLE DEVELOPMENT PLAN DOCUMENT (DPD);**
 - **NOTE: the *REPLACEMENT CALDERDALE UNITARY DEVELOPMENT PLAN (RCUDP)* Adopted in August 2006 and amended by Direction of the Secretary of State in August 2009 remains the Statutory Development Plan for Calderdale but is not a DPD in terms of the requirements of the Planning and Compulsory Purchase Act 2004 having been adopted under the requirements of the Town and County Planning Act 1990. The RCUDP should be read in conjunction with the National Planning Policy Framework (NPPF) March 2012. The RCUDP will be replaced by the Calderdale Local Plan upon its adoption.**

WHAT IS THE PURPOSE OF THE LOCAL PLAN?

- 3.1 The Local Plan will form a single local plan combining both the strategic elements from the Core Strategy as previously developed with the land allocations required to deliver the development strategy. The local Plan will be

accompanied by a Policies Map which will replace the Proposals Map which was part of the RCUDP. Preparation of the new Local Plan has to take into account and be consistent with the National Planning Policy Framework (NPPF) and follow the guidance contained in the Planning Practice Guidance (nPPG).

3.2 The purpose of the Local Plan is to provide the planning framework for Calderdale comprising: -

- a spatial vision;
- a spatial strategy;
- strategic objectives;
- core/strategic policies for development management, minerals management and waste disposal;
- a review of Green Belt;
- land allocations including sites for housing, employment and retailing, and other uses of land requiring allocation to be identified;
- a new Policies/Proposals Map; and
- a monitoring and implementation framework.

3.3 The Local Plan will set out: -

- **What** development is expected over the period to 2032;
- **Where** this development will go;
- **When** it will be delivered;
- **By whom** it will be delivered;
- **The Infrastructure** needed to support delivery of the strategy; (what is needed, where and by whom it will be provided);

3.4 In order to get to a position where the Local Plan can effectively lead development in the district it must understand the environmental, transport, economic and social consequences of changing circumstances, mitigate undesirable effects, support communities to shape the place that they live in, and provide the overall framework to allow communities to undertake neighbourhood planning.

3.5 The Local Plan will be supported by a range of appraisals which will be prepared alongside and published with it. These appraisals are: -

- **Sustainability Appraisal** (incorporating Strategy Environmental Assessment (SEA) required by European Law) and incorporating a Health Impact Assessment;
- an **Habitats Regulations Assessment** (HRA) also known as Appropriate Assessment (AA) required by European Law;
- an **Infrastructure Delivery Plan**;
- an **Equalities Impact Assessment** (EqIA);

- 3.6 The Local Plan will be examined by a Planning Inspector who will assess the “soundness” of the plan. Under the terms of the draft NPPF the “Tests of Soundness” are as follows: -
- **POSITIVELY PREPARED** – the plan should be prepared or based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is practical to do so, consistent with the presumption in favour of sustainable development;
 - **JUSTIFIED** – the plan should be the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
 - **EFFECTIVE** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **CONSISTENT WITH NATIONAL POLICY** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework (NPPF).
 - The Government have indicated that there could be additional Tests of Soundness introduced in the NPPF, with which the Local Plan will have to comply including :
 - Plans should be prepared based on a strategy informed by agreement over the wider area;
 - Plans should be based on effective joint working on cross-boundary strategic priorities, which are evidence in the statement of common ground;

GYPSIES TRAVELLERS AND TRAVELLING SHOWPEOPLE DEVELOPMENT PLAN DOCUMENT

- 3.7 The Local Plan evidence base has established that there is a need for a gypsy and traveller site to be provided within Calderdale. No sites have been suggested by private landowners to accommodate this need, and as such the Council has explored a number of different options on Council owned land. None of the potential options are entirely perfect, and as such further assessment and consultation is required to properly address this issue. The Council has therefore resolved to address this issue through a Gypsy and Traveller Development Plan Document.
- 3.8 The above DPD will follow the same steps as the Local Plan. Work will commence on the DPD in 2020 once resources have been freed up following the adoption of the Local Plan. General time-frames are set out in the tables below. More precise time details will be provided in later iterations of this LDS.

NEIGHBOURHOOD DEVELOPMENT PLANS (NPDs)

- 3.9 The Localism Act 2011 introduces powers for communities and Parish /Town Councils to develop Neighbourhood Development Plans. These are required to be in conformity with the strategic aims and policies of the local Plan but can, if communities wish, seek to amend the actual land allocations. Whilst they cannot reduce the amount of development expected within an area, they can redistribute this to meet local aspirations.
- 3.10 Neighbourhood Plans will be subject to independent assessment, and a Referendum within the area to which the plan applies. If the referendum results in over 50% of those voting in favour of the plan, the Council must “make” the NDP, and it then becomes part of the statutory development plan for the area.
- 3.11 Any NDPs that are adopted will be highlighted in the Council’s Annual Monitoring Report (AMR), but they will not be programmed within the LDS as they are not the responsibility of the Council to programme and produce.
- 3.12 The Localism Act 2011 introduced powers for Parish Councils and designated local community forums to bring forward Neighbourhood Development Plans, Neighbourhood Development Orders of Community Right to Build Orders. In Calderdale the following are currently proposed: -
- Park Ward, Halifax Neighbourhood Development Plan;
 - Hebden Royd and Hill Top Parishes Neighbourhood Development Plan;
 - Ripponden Parish Council Neighbourhood Development Plan;
 - Todmorden Town Council Neighbourhood Development Plan;
 - Greetland, Norland and West Vale Neighbourhood Development Plan;
 - Sowerby Neighbourhood Development Plan;
 - Rastrick Neighbourhood Development Plan;
 - An application to undertake Neighbourhood Planning within the Clifton Area of Brighouse is under consideration;
- 3.13 Once these plans have passed through the regulatory process they will be “made” by the Council and become part of the Statutory Development Plan for the district.

SUPPLEMENTARY PLANNING DOCUMENTS (SPDs)

- 3.14 Under the changes introduced by the 2009 Regulations governing the production of the LDF, there is no requirement for the Council to set out or plan for Supplementary Planning Documents in the LDS. There is currently one SPD in effect - Central Elland. This is now quite old and out of date.
- 3.15 There are no new SPDs currently proposed, but any additional ones will be identified within the Local Plan pages of the Council’s web-site.

WHAT IS THE TIME TABLE FOR PREPARATION OF THE DEVELOPMENT PLAN DOCUMENTS?

- 4.1 The Local Plan will be produced in accordance with the Town & Country Planning (Local Development) (England) Regulations 2004, as amended in 2008, 2009 and 2012. The changing requirements of the Government relating to planning together with the NPPF and nPPG will also influence the development of the plan.
- 4.2 The Local Plan is begin brought forward as a single document delivering both the strategic policies and strategy and the sites and land allocations/policies map required to deliver sustainable development across the Borough.
- 4.3 The proposed timetable for the delivery of the Local Plan and Gypsies, Travellers and Travelling Showpeople DPD is set out in the following Tables: -

TIMETABLE FOR THE LOCAL PLAN

4.4 The timetable included within the LDS 2014 – takes account of the work already undertaken on the Core Strategy. This work will not need to recommence but will be developed and revisited as the Local Plan progresses.

| Phase of Plan Making | Purpose of Stage | Dates |
|---|--|-------------------------------|
| INITIAL DRAFT PLAN – including Options for Sites | <p>Bringing together the strategic and land allocation elements, this will state the scale of development that is likely to be proposed and bring forward options for the use of sites.</p> <p>This will set out the preferences for the Council’s approach to the scale of development and the likely land that it would prefer to be included as part of the draft plan. It will include a proposed Policies Map and details of the Land Allocations that the Council would prefer to consider as part of the plan making process.</p> | August to October 2017 |
| APPROVAL OF PUBLICATION OF THE LOCAL PLAN | <p>This is the version of the Plan that the Council wishes to put forward for Examination. All the evidence will be in place at the time of publication. It is the version that the Council considers “sound” in terms of the legal requirements placed on plan preparation and to be justified and deliverable.</p> <p>Following the Council’s approval of the Publication version of the plan the policies and proposals plan will have significant weight in the decision-taking process.</p> | June 2018 |
| PUBLICATION OF LOCAL PLAN | <p>This will be the formal period for representations to the draft plan, and will give communities, stakeholders and other interested persons the final opportunity to make comments on the plan.</p> <p>Formal objections regarding the “soundness” of the Local Plan will need to be submitted at this stage.</p> | August 2018 |
| SUBMISSION | <p>This is an administrative stage and relates to the formal submission of the documents (including all formal representations received during the Publication Deposit period) to the Secretary of State for independent examination by a Planning Inspector.</p> <p>At this stage the Council can request that the Inspector makes recommendations which would address the issues identified during the Examination in order to ensure that the plan is “sound”.</p> | Late 2018 |
| INDEPENDENT EXAMINATION | <p>The formal examination of the Local Plan will start when the plan is submitted. Hearings will be held into specific aspects of the plan during the examination, and “objectors” will have the right to be involved in that process.</p> | During 2019 |
| ADOPTION | <p>The Council will receive the inspector’s Report and consider the recommendations, before it formally “adopts” the Local Plan,</p> | End 2019 early 2020 |

TIMETABLE FOR THE GYPSIES, TRAVELLERS AND AND TRAVELLING SHOWPEOPLE DEVELOPMENT PLAN DOCUMENT

| Phase of Plan Making | Purpose of Stage | Dates |
|---|--|----------------------------|
| INITIAL DRAFT DPD | Bringing together the strategic evidence and potential land allocations for gypsies and travellers.. This will set out the preferences for the Council's approach to the scale and location of gypsy and traveller, and travelling show people site provision. | March 2020 |
| APPROVAL OF PUBLICATION OF THE DPD | This is the version of the DPD that the Council wishes to put forward for Examination. All the evidence will be in place at the time of publication. It is the version that the Council considers "sound" in terms of the legal requirements placed on plan preparation and to be justified and deliverable. Following the Council's approval of the Publication version of the DPD the policies and proposals plan will have significant weight in the decision-taking process. | Second half of 2020 |
| PUBLICATION PLAN CONSULTATION | This will be the formal period for representations to the DPD, and will give communities, stakeholders and other interested persons the final opportunity to make comments on the plan. Formal objections regarding the "soundness" of the Local Plan will need to be submitted at this stage. | 2021 |
| SUBMISSION | This is an administrative stage and relates to the formal submission of the documents (including all formal representations received during the Publication Deposit period) to the Secretary of State for independent examination by a Planning Inspector. At this stage the Council can request that the Inspector makes recommendations which would address the issues identified during the Examination in order to ensure that the DPD is "sound". | 2021 |
| INDEPENDENT EXAMINATION | The formal examination of the DPD will start when the plan is submitted. Hearings will be held into specific aspects of the plan during the examination, and "objectors" will have the right to be involved in that process. | 2021 |
| ADOPTION | The Council will receive the inspector's Report and consider the recommendations, before it formally "adopts" the DPD. | 2021 |

TABULAR PRESENTATION OF LOCAL PLAN TIME LINE: JUNE 2018

| | 2017 | | 2018 | | | | | | | | | | | | 2019 | | | | | | | | | | | | 2020 | | | 2020 Apr- Dec | 2021 | |
|--------------------------------------|------|---|------|---|---|---|---|---|---|---|---|---|---|---|------|---|---|---|---|---|---|---|---|---|---|---|------|---|---|---------------------|------|--|
| | N | D | J | F | M | A | M | J | J | A | S | O | N | D | J | F | M | A | M | J | J | A | S | O | N | D | J | F | M | | | |
| LOCAL PLAN | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Comment Inputting | █ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Comments Handling | █ | █ | █ | █ | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Evidence | | | | | █ | █ | █ | | | | | | | | | | | | | | | | | | | | | | | | | |
| Site Assessments | █ | █ | █ | █ | █ | █ | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Required Assessments | | | | | █ | █ | █ | | | | | | | | | | | | | | | | | | | | | | | | | |
| Technical Papers | | | | | █ | █ | █ | | | | | | | | | | | | | | | | | | | | | | | | | |
| Council Consideration of Reg 19 plan | | | | | | | | █ | | | | | | | | | | | | | | | | | | | | | | | | |
| Reg 19 publication (6 weeks) | | | | | | | | | | █ | █ | | | | | | | | | | | | | | | | | | | | | |
| Administering Comments (5 months) | | | | | | | | | | | | █ | █ | █ | | | | | | | | | | | | | | | | | | |
| SUBMISSION | | | | | | | | | | | | | | | █ | | | | | | | | | | | | | | | | | |
| EXAMINATION | | | | | | | | | | | | | | | | █ | █ | █ | █ | █ | █ | █ | █ | █ | | | | | | | | |
| Modifications | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ADOPTION | | | | | | | | | | | | | | | | | | | | | | | | | | | █ | █ | █ | | | |

TABULAR PRESENTATION OF GTTS DEVELOPMENT PLAN DOCUMENT TIME LINE: JUNE 2018

| GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE DEVELOPMENT PLAN DOCUMENT | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|------|------|--|--|--|--|--|--|--|--|--|------|--|--|--|--|--|--|--|--|--|------|--|--|---------------------|--|------|--|--|--|--|--|--|--|
| | 2017 | 2018 | | | | | | | | | | 2019 | | | | | | | | | | 2020 | | | 2020 Apr- Dec | | 2021 | | | | | | | |
| Evidence gathering | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Regulation 18 consultation | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Regulation 19 publication | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Submission of DPD | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Examination | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Adoption | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

RESOURCES: FINANCES AND STAFFING

FINANCES

The budget for the preparation of the Local Plan and DPDs has two elements, staffing and evidence/ consultation. The staffing budget is held within Planning & Highways whilst the Local Plan budget is centrally held and is drawn down as needed to pay for consultancy or other aspects of the evidence base, consultations (including the license fees for the Consultation Portal) and other work essential to the preparation of the Local Plan. The budget will need to pay for the Examination and Programme Officer at a future date and also fund the finalisation of the evidence for the draft plan.

The Council is considering whether the remaining financial resources are adequate to fund the preparation of the Local Plan and will address the issues.

STAFFING

There are currently (December 2014) ten staff on the establishment for the Planning Policy Team. This is made up of the following in-house staff resources:-

- 1 Planning Policy Manager;
- 2 Principal Planning Officers;
- 5 Planning Officers
- 1 Planning Technician;
- 1 Technical Clerk;

In addition to these “in-policy team” staff resources, assistance will be provided from other Calderdale Council Services (most particularly from the Engineering/Highways, Environmental Health, Housing, Business and Economy, Recreation, Sport and Streetscene, Emergency Planning, Legal and Chief Executive’s Services). These staff resources will all be involved at various times in the plan-making activities.

The Council is considering whether this staffing resource is adequate to meet the timetable and work required, and will address the issues.

Risk Assessment

It is considered that the awareness of these risks has allowed an appropriate element of contingency to be built into the LDS programme such that the level of risk has been reduced. The Scheme is realistic, and matched, as far as can be ascertained, by the ability to deliver its component parts. The programme, in addition will help focus corporate decision making across the Council to ensure commitment to the Local Plan process. The effects of unforeseen circumstances on the programme, together with further mitigation arrangements will be identified in the Annual Monitoring Reports and reflected in changes to the LDS that will occur in the future.

Likelihood (1 not likely, 5 very likely); Impact (1 low impact, 5 very high impact); Risk score = Likelihood x Impact

| Risk No. | Description | Consequence | Likelihood | Impact | Risk Score | Mitigation / Contingencies | Target | Current State |
|----------|--|--|--------------|-----------------|------------|---|--------|-----------------|
| 1 | A Team member may leave - Staff turnover and recruitment difficulties | Slippage in programme and inability to undertake required work | Moderate (3) | Significant (5) | 15 | Ensure ability is spread throughout the Spatial Planning Team and no-one individual has too much specific knowledge. Reappoint as soon as possible. Manage Team to support staff retention – issues relating to succession planning. | LOW | HIGH |
| 2 | New National Legislation | Slippage in programme; Juddering in the programme, as matters are reappraised. | Moderate (3) | Moderate (3) | 9 | Having had significant changes to the national planning framework – it is considered that additional further changes are less likely | LOW | Moderate |
| 3 | New Administration within the Council leading to change in priorities in plan-making from Council | Slippage in programme ; Change in political priority for Local Plan; | High (5) | High (5) | 25 | Ensure Members are kept informed and briefed on the Local Plan, and understand the consequences of changes in priorities | LOW | HIGH |
| 4 | Legal Challenge | Delay in final adoption of the plan | Low (1) | High (5) | 5 | Ensure the plan process follows Regulations. Be aware of issues as they develop to see if there are changes to the Local Plan that Members are willing to accommodate – before a Legal Challenge position arises. | LOW | LOW |
| 5 | Duty to Cooperate – | Inability to get | Low/Moderate | High (5) | 10 | Try to ensure that the Local Plan is prepared | LOW | |

| Risk No. | Description | Consequence | Likelihood | Impact | Risk Score | Mitigation / Contingencies | Target | Current State |
|----------|--|---|------------------|-------------------|------------|---|--------|----------------------|
| | problems associated with joint/collaborative/co operative working | Plan Examined; Failure of the process; | (2) | | | with DtC / Collaboration and joint understanding of strategic issues with neighbouring LPA's; Monitor outcomes from Bradford/Natural England discussion re SPA/SAC; Log discussions and outcomes on DtC | | MODERATE |
| 6 | Submitted Document found not to be "Sound" | Failure of the Plan making process; | Low/Moderate (2) | HIGH (5) | 10 | Use PAS "Soundness" checklist and audit to ensure submission of a "sound" plan | LOW | LOW |
| 7 | Failure to secure agreement of Council | Failure of the Plan making process; | Moderate (3) | HIGH (5) | 15 | Keep Members informed and seek views on various issues and aspects during the Plan Making process; Review of delegations and Council decision making – relating to Plan making (inc NDP) | LOW | MODERATE/HIGH |
| 8 | Issues relating to Inspector's Report which the Council finds difficult to accept | Delays in final Adoption of the Plan | Low (1) | HIGH (5) | 5 | Keep Members informed of plan Examination progress; | LOW | LOW |
| 9 | Volume of work, in all its aspects, greater than anticipated | Slippage in process and problems in bringing forward a "sound" plan | Moderate (3) | Moderate/HIGH (4) | 12 | Try to understand the implications for staff; Ensure staff are trained and cover the issues appropriately; Mini-projects are developed using project management principles; Recruitment is an opportunity to address skill issues; | LOW | MODERATE/HIGH |
| 10 | Policy Team skill base not adequate | Delay in plan preparation; Inability to produce "sound" document | Moderate (3) | MODERATE (3) | 9 | Ensure staff are trained and cover the issues appropriately; Recruitment is an opportunity to address skill issues; Possible need for additional staff or outsourcing to assist on the plan-making process; | LOW | MODERATE |

| Risk No. | Description | Consequence | Likelihood | Impact | Risk Score | Mitigation / Contingencies | Target | Current State |
|----------|---|---|--------------------------|--------------------------|------------|--|--------|---------------------------|
| | | | | | | (MapInfo/Viability) | | |
| 12 | High levels of public opposition | Difficulties in managing plan preparation; | Moderate/ HIGH (4) | Moderate/HI GH (4) | 16 | Ensure adequate consultation and engagement in the process; Ensure Engagement Strategy is established and followed; Keep Members informed and seek views on various issues and aspects during the Plan Making process; Ensure consultation / engagement allows area specific issues to be raised; | LOW | HIGH |
| 13 | Insufficient financial resources to cover Examination | Inability to pay for the Examination | LOW /Moderate (2) | Moderate (2) | 4 | Management Budget and understand requirements; Growth bids or agreement that funding will be made available centrally – particularly for the Examination Process | LOW | LOW |
| 14 | Insufficient financial resources for technical work and staff | Inability to commission research or to recruit staff/outsource work | Moderate (3) | Moderate/ High (4) | 12 | Use resource assessment to identify additional staffing requirements in order seek resources in a timely manner; | LOW | MODERATE/ HIGH |
| 15 | Local Plan programme too ambitious | Inability to meet programme. Slippage, | MODERATE (3) | HIGH (5) | 15 | Try to ensure that LDS and project plan is adequately resourced and based on good understanding of what is involved in plan making; Allow timetable to work though properly; | LOW | MODERATE/ HIGH |
| 16 | Administrative delays arising from the Council's Reporting Procedures and lead-in times to Cabinet and Council | Slippage in programme and delays in decision-making | MODERATE (3) | MODERATE (3) | 9 | Plan in the Council's "Lead-in Time" to the plan making process | LOW | MODERATE/ HIGH |

Awareness of these risks has allowed an appropriate element of contingency to be built into the LDS programme such that the level of risk has been reduced. The LDS is realistic, and matched, as far as can be ascertained, by the ability to deliver its component parts. The programme, in addition will help focus corporate decision making across the Council to ensure commitment to the Local Plan process. The effects of unforeseen circumstances on the programme, together with further mitigation arrangements will be identified in the Authority's Monitoring Reports and reflected in changes to the LDS that will occur in the future.