

# Local Development Scheme

July 2020





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# 1. Introduction

The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008 and Localism Act 2011) requires Councils to prepare and maintain a Local Development Scheme (LDS). Section 19 of the Act (as amended) requires Development Plan Documents (DPDs) to be prepared in accordance with the LDS. As such, progress made against the LDS will be monitored and a report, known as the Authority Monitoring Report (AMR), will be published annually.

## Purpose of the LDS

The purpose of the LDS is to set out for interested parties the timescales for preparing Sunderland's Local Plan and other planning guidance including Supplementary Planning Documents (SPDs). It provides up-to-date information so that interested parties will know when they will have an opportunity to participate in the plan-making process.

This LDS includes:

- A review of policy context;
- An overview of Sunderland's Local Plan; and
- The timescales for preparing and reviewing Development Plan Documents and other planning guidance. Included in this section is an overview of each document, the spatial area the plan covers and the timescales for preparing the document.

This Local Development Scheme replaces the Council's last LDS which was adopted in January 2018.



## 2. Policy context

### National context

The Town and Country (Local Plan) (England) Regulations 2012 came into force in April 2012. These Regulations prescribe the form and content of a Local Plan and Policies Map and set out procedural arrangements for preparing Local Plans. They also list the prescribed bodies in relation to the Duty to Co-operate, the requirements in relation to the Authority's Monitoring Report, and set out how information should be made available for inspection.

The Neighbourhood Planning (General) Regulations 2012 came into force on 6 April 2012. The Regulations include the process and procedures for setting up Neighbourhood Areas, preparing Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders. Any Neighbourhood Development Plan will need to be in general conformity with the National Planning Policy Framework (NPPF) and strategic planning policy of the local authority. It will also be subject to an independent examination and a referendum before it is adopted as a statutory planning policy document by the City Council. There are currently no Neighbourhood Plan Areas designated in Sunderland.

The NPPF sets out national planning policy guidance and contains the presumption in favour of sustainable development. The original Framework was revised and updated in 2018 and was subsequently updated further in 2019. The core planning principles within the Framework include the need for development to be plan-led and to pro-actively drive and support sustainable economic development. Various strategic priorities must be addressed in the Local Plan, including policies to deliver the homes and jobs needed together with any necessary retail, leisure and other commercial development.

The Planning Practice Guidance (PPG) was launched in March 2014 and is updated as necessary by the Government. The PPG contains guidance on a wide range of planning matters, for example, on housing and economic development needs assessments and on housing and economic land availability assessment.

### Evidence

In accordance with the NPPF, Local Plans must be based on adequate, up-to-date and relevant evidence. In preparing Sunderland's Local Plan, the Council will bring together wide-ranging evidence documents to underpin and justify the Local Plan. This will include a range of information including background studies, research, surveys and feedback documents. Once complete, these documents will be published on the Council's website. This evidence base will continue to be reviewed and updated where necessary.

### Duty to cooperate

Any Development Plan Document must be prepared in accordance with the Duty to Co-operate, legal and procedural requirements, and be sound. As part of the Duty to Co-operate, the Council is committed to working collaboratively with other local authorities and other prescribed bodies on matters of cross boundary and sub-regional significance.

### Assessments

All policies and proposals contained within a Development Plan Document will be subject to a Sustainability Appraisal and also a Strategic Environment Assessment and Habitat Regulations Assessment, where appropriate. This involves scoping reports and assessments throughout the preparation of the Local Plan to ensure an iterative approach to consider policies.





## 3. Sunderland's Local Plan

### Current Development Plan

The current adopted statutory development plan for Sunderland is:

- Core Strategy and Development Plan 2015-2033 (Adopted January 2020);
- International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) (Adopted November 2017); and
- Saved policies of the Unitary Development Plan (Adopted 1998) and Unitary Development Plan Alteration No.2 (2007).

### Sunderland's new Local Plan

Sunderland's new Local Plan is being prepared in three parts, two of which have already been adopted by the Council:

- **Part One – Core Strategy and Development Plan (Hereafter referred to as the CSDP);** which sets out an overarching strategy for future change and growth in the city and includes detailed development management policies. It is a strategic Plan which covers the period 2015 to 2033. The CSDP covers the whole of the area within Sunderland's administrative boundaries.
- **Part Two – Allocations and Designations Plan (A&D Plan);** which will set out site-specific policies for the development, protection and conservation of land in the city in order to deliver the overall strategy set out within the CSDP. The A&D Plan will replace the remaining saved UDP and UDP Alteration No.2 policies.
- **Part Three – International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP);** allocates land for the comprehensive development of an advanced employment park to the north of the existing Nissan complex. Due to the cross-boundary location of the site, the AAP was prepared jointly with South Tyneside Council.



Development Plan Documents in the Local Plan have statutory status and carry the most weight when making decisions on planning applications. They are subject to independent examination by an independent Planning Inspector and undergo a rigorous procedure of community involvement and consultation, as set out in the Statement of Community Involvement (SCI).

## **Local Plan Review**

In accordance with Paragraph 33 of the NPPF, the policies of the adopted Local Plan will be reviewed at least every five years to determine whether they require updating. Depending on the outcome of this review, it may be necessary to update policies of the adopted plan accordingly.

## **Supplementary Planning Documents**

Supplementary Planning Documents (SPDs) are intended to expand upon or provide further details to policies in the Local Plan. New or replacement SPDs will go through a consultation process in accordance with the SCI. SPDs are not subject to examination but are adopted by the City Council, having been informed by community and stakeholder involvement in their preparation. Once adopted, SPDs will form part of the Local Plan as non-statutory documents.

## **Statement of Community Involvement**

The Council must also produce an SCI setting out how it intends to consult and involve the community in the preparation and review of local development documents and in development management decisions. The Council's latest SCI was adopted in June 2020.

## **Authority Monitoring Report**

The AMR assesses whether policies, targets and milestones have been met and it will inform the review of the Local Development Scheme.

## 4. Local Plan and other planning guidance timescales

### Development Plan Documents to prepare

#### Allocations and Designations Plan

Allocations and Designations Plan	
Role and purpose	Sets out detailed site-specific allocations and designations to deliver the overall strategy contained within the Core Strategy and Development Plan
Coverage	City wide
Status	Development Plan Document
Chain of Conformity	In accordance with legislation and national planning policies and guidance. Accords with strategic policies in the Core Strategy
Timetable	
Draft	Autumn 2020
Publication	Spring 2021
Submission	Autumn 2021
Examination and adoption	2022

### Development Plan Document to review

#### Core Strategy and Development Plan

Core Strategy and Development Plan	
Role and purpose	Sets out strategic policies, allocations and designations for development of the City. The plan also contains development management policies.
Coverage	City wide
Status	Development Plan Document
Chain of Conformity	In accordance with legislation and national planning policies and guidance
Timetable	
Adopted	January 2020
Review	Winter 2024/2025

## IAMP AAP

IAMP AAP	
Role and purpose	Sets out policies to support the delivery of an advanced manufacturing park on land to the north of the Nissan site.
Coverage	IAMP AAP Area
Status	Development Plan Document
Chain of Conformity	In accordance with legislation and national planning policies and guidance. Accords with strategic policies in the Core Strategy
Timetable	
Adopted	November 2017
Review	Autumn 2022

## Supplementary Planning Documents

A number of SPDs which will be prepared to support adopted policies within the Local Plan. The information below provides details on the SPDs which the Council intends to prepare, together with key milestones. Please note that list is not exhaustive and that the Council may seek to prepare additional SPDs in the future, at which stage this LDS will be updated to reflect this.

SPD	Role and purpose	Coverage	Preliminary consultation	Draft SPD (Regulation 12/13)	Adopt SPD (Regulation 14)
<b>Biodiversity</b>	To provide further guidance on how the Council will seek to deliver biodiversity net gains within the city	City wide	Scoping Report: Winter/Spring 2020 <sup>1</sup>	To be confirmed <sup>2</sup>	To be confirmed
<b>Homes in Multiple Occupation (HMO)</b>	To provide further guidance in relation to the development of new HMOs in the city	City wide	Scoping Report: Winter/Spring 2020 <sup>3</sup>	Autumn 2020	Winter 2020
<b>Development Management</b>	To provide detailed Development Management guidance in support of the policies within the CSDP	City Wide	Scoping Report: Autumn 2020	Winter 2020	Spring 2021
<b>Riverside Sunderland</b>	To provide detailed guidance to support the regeneration of a number of key sites along the river corridor within the Urban Core	Riverside Sunderland designation	Initial Draft: Summer 2020 <sup>4</sup>	Revised Draft: Autumn 2020	Winter 2020

<sup>1</sup> Consultation on the Biodiversity SPD Scoping Report took place between 24 February and 30 March 2020.

<sup>2</sup> The timetable for the preparation of the Biodiversity SPD will be established once the Environment Bill has been enacted.

<sup>3</sup> Consultation on the Homes in Multiple Occupation SPD Scoping Report took place between 24 February and 30 March 2020.

<sup>4</sup> Consultation on the Draft Riverside Sunderland SPD took place between 17 June and 15 July 2020.

## 5. Delivering the Local Plan and other planning guidance

The Council will use effective programme management techniques in the delivery of their Local Plan, evidence base and other planning guidance.

### Strategic Plans Team

The Local Plan is managed on a day to day basis by the Strategic and Sustainable Plans Manager. A Planning Policy Team Leader; three Senior Planning Policy Officers and a Planning Policy Officer provide the bulk of the Council's resource to progress the Local Plan, but specialist expertise is drawn from elsewhere across the Directorate and wider Council when required.

### Governance

Regular briefings will be provided to the Council's Chief Officer Group to ensure that the preparation of the Local Plan helps to deliver corporate priorities. Key elected Members such as the Housing and Regeneration Portfolio Holder will be briefed, as appropriate.

### Evidence preparation

The complex nature of the Local Plan means that external advice and evidence preparation will continue to be required at all stages of plan preparation. The engaging of these services will be undertaken in accordance with the Council's established procurement processes.

### Budget

The preparation of the Local Plan is supported by an ongoing annual budget allowance identified within the Council's Medium-Term Financial Plan.

### Risk assessment

An assessment has been carried out of the factors that could affect the ability of the Council to deliver the Local Plan in accordance with the indicated programme. Actions to manage these risks have been identified. This is included in Appendix 1



# Appendix 1

Risk Identified	Likelihood/impact	Management Action
<p><b>Programme Slippage</b></p>	<p>Low/High</p> <p>The Council is required to meet the milestones for development plan documents in the LDS. Failure to deliver against the key milestones will be damaging to the reputation of the local planning authority and the absence of up-to-date planning policies will hamper the realisation of the Council's vision and lead to uncoordinated developments in the City.</p>	<p>The Council will ensure that progress is carefully monitored and that priority is given to achieving the key milestones set out in the LDS.</p>
<p><b>Staff Resources</b></p>	<p>Medium/High</p> <p>Loss of experienced staff will impact on the production of documents. Over the recent years there has been a reduction in staff available to carry out local plan work. Some staff members work reduced hours and there have been delays in recruiting to vacant posts.</p>	<p>Ensure that sufficient staff resources with the necessary experience and expertise are available for plan production. Where vacancies arise, these will be filled as quickly as possible, where financial resources permit. Work on the Local Plan will be made a priority and additional resource brought in from other teams, where necessary.</p> <p>Consultants will be engaged to provide specialist advice.</p>
<p><b>Financial Resources</b></p>	<p>Low/High</p> <p>Government spending cuts continue to affect resources across the Council. Sufficient financial resources are required to prepare documents and consult.</p>	<p>Ensure the Local Development Scheme informs the Council's Medium Term Financial planning.</p>
<p><b>Covid 19</b></p>	<p>Medium/High</p> <p>Current Covid 19 pandemic has resulted in changes to working patterns to meet lockdown and social distancing restrictions.</p> <p>Potential increases in sickness leave resulting from the pandemic.</p> <p>Impacts on resources of other teams/consultants/statutory bodies assisting in preparation of the Plan.</p>	<p>Staff to work from home.</p> <p>Safe working practices put in place in office environment.</p> <p>Roll out of technology to allow virtual meetings and file sharing between officers.</p>
<p><b>Resources of external agencies</b></p>	<p>Medium/High</p> <p>The preparation of the Local Plan will require considerable input from other organisations (Environment Agency, Natural England, Highways England, etc). Many will be involved in the preparation of Local Plans by other authorities. They are also being affected by reduced resources which could affect their capacity to provide input to the Local Plan.</p>	<p>In order to minimise risk, the Council will seek to talk to such organisations as early as possible and build upon existing working relationships in order to minimise slippage of the Local Plan.</p> <p>The LDS provides forward notice of the Council's Local Plan programme. Regular liaison takes place between key infrastructure bodies and statutory consultees.</p>

Risk Identified	Likelihood/impact	Management Action
<p><b>Legal compliance/soundness/legal challenge</b></p>	<p>Low/High The Planning Legislation and Regulations place specific responsibilities on the Council regarding the need to prepare a plan that is 'sound'. Failure to prepare a plan that is 'sound' will result in the Local Plan being rejected by the Planning Inspectorate.</p>	<p>The Council will seek to ensure that the Local Plan is legally compliant, 'sound' and based upon a robust evidence base. The Council will work closely with the Planning Inspectorate at all stages to ensure that the tests of soundness are met. The Council will take legal advice on the plan process as appropriate.</p>
<p><b>Failure to comply with the Duty to Cooperate</b></p>	<p>Medium/High A legal duty on the Council for the Local Plan. The duty cannot be demonstrated retrospectively therefore failure to demonstrate it will have significant effect</p>	<p>Ensure cross-boundary strategic priorities are scoped at an early stage and early sustained engagement with adjacent authorities and other key stakeholders is established. Document engagement and outcomes and how this has led to effective policies on strategic matters. Statements of Common Ground will be prepared with duty-to-cooperate partners, including neighbouring local planning authorities.</p>
<p><b>Changes in national policy/legislation</b></p>	<p>Medium/High Changes to the statutory process or new substantive policy which affects the content and direction of local policy preparation and decisions may cause delays to the programme. The Government recently updated the NPPF and the changes associated with these revisions will need to be carefully considered.</p>	<p>The Council will carefully monitor new policy and legislation and give priority to managing any impacts on the key milestones set out in the LDS. Advice will be sought from Ministry of Housing, Communities and Local Government and the Planning Inspectorate as appropriate</p>



# Glossary

## Authority Monitoring Report (AMR)

The AMR monitors progress in preparing documents in the Local Development Scheme and assesses the extent to which planning policies are being implemented successfully.

The AMR also updates monitoring information in key subject areas, including housing, economic development and retail and examines the implications of the information for the Development Plan.

## Development Plan Documents (DPDs)

Development Plan Documents are planning policy documents which make up the Local Plan. They help to guide development within a local planning authority area by setting out the detailed planning policies, which planning officers use to make their decisions on planning applications.

DPDs were introduced as part of the reforms made to the planning system through the Planning and Compulsory Purchase Act 2004.

## Duty to Cooperate

The duty to cooperate was created in the Localism Act 2011. It places a legal duty on local planning authorities in England and public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

The duty to cooperate is not a duty to agree, but local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty, then the Local Plan will not be able to proceed further in examination.

The NPPF contains a requirement to produce, maintain and update a statement of common ground with neighbouring authorities.

## Habitats Regulations Assessment (HRA)

The Local Plan may require a Habitats Regulation Assessment, as set out in the Conservation of Habitats and Species Regulations 2010 if it is considered likely to have significant effects on European habitats or species, located in the local planning authority's area or in its vicinity.

## Local Plan

Local Plans have statutory development plan status and are subject to rigorous procedures involving community involvement and formal testing through examination by an independent Planning Inspector to assess whether a plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements and whether it is sound.

## National Planning Policy Framework (NPPF)

The NPPF is a single document that sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development. The NPPF prioritises the role of planning in supporting economic growth.

## **Planning Practice Guidance (PPG)**

The PPG is an online resource setting out further detail on the Government's national planning policies set out in the NPPF.

## **Statement of Community Involvement (SCI)**

A document which sets out how a Council will engage with communities in reviewing and preparing planning policy documents and consulting on planning applications.

## **Strategic Environmental Assessment**

A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

## **'Soundness'**

A Local Plan must be 'sound'. The tests of soundness are set out in paragraph 35 of the NPPF. A plan must be:

- Positively prepared
- Justified
- Effective
- Consistent with national policy.

## **Supplementary Planning Document (SPD)**

A type of planning document that provides support, and additional detail on the implementation of policies contained in Local Plans. An SPD is a material consideration, but carries less weight than a Local Plan.

## **Sustainability Assessment (SA)**

Examines the impact of proposed plans and policies on economic, social and environmental factors and ensures that these issues are taken into account at every stage so that sustainable development is delivered on the ground. It also appraises the different options that are put forward in the development of policies and the process of allocating sites. Each Local Plan that the Council produces is accompanied by its own SA.



