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COPELAND LOCAL DEVELOPMENT SCHEME 2016

Draft – August 2016

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1. Introduction

1.1 What is a Local Development Scheme?

The Planning and Compulsory Purchase Act 2004 (as amended) requires the Council to prepare, maintain and publish a Local Development Scheme (LDS).

The LDS is the formal work programme which sets out how the Council will prepare the portfolio of documents that will make up the Copeland Local Plan (which covers all of the borough outside of the Lake District National Park).

The Local Development Scheme:

- Describes the documents that will make up the Copeland Local Plan and the timetables for their preparation, including dates for the key delivery milestones
- Establishes and reflects Council priorities and sets out the work programmes for preparation of the documents, including any details of documents which will be prepared on a joint basis with other planning authorities;
- Describes the content and geographical area to which each document will relate, and how the documents relate to one another.
- Describes the process of Sustainability Appraisal, and how this informs the various stages of document preparation;
- Identifies the policies from the Copeland Local Plan 2006 that have been 'saved' until they are replaced by the new Local Plan over the period of the scheme;
- Summarises how the supporting background information for plan production (the 'evidence base') will be managed, and identifies the main background technical studies;
- Explains how the Local Plan will be monitored and reviewed.

The Local Development Scheme provides the starting point for the local community or any interested party to find out what the current planning policies are for the area, and how we intend to replace these in the future.

1.2 The Copeland Local Development Scheme 2016

This document is the latest Local Development Scheme for Copeland Borough Council, replacing the version produced in March 2012, and will cover the period up to December 2018. It has been produced to reflect a number of changes to the planning policy context for the Borough since 2012, including:

- The adoption of the *Copeland Local Plan 2013-2028: Core Strategy and Development Management Policies* in December 2013 sets the framework for producing the remainder of the Local Plan documents
- Changes to national policy and legislation, including the *National Planning Policy Framework*, the *Housing and Planning Act*

- Nugeneration Ltd (Nugen), the company who are planning to build a new nuclear power station at Moorside are now developing their proposals. They consulted on *Stage 1: Strategic Issues* from May to July 2015 and their Stage 2 proposals between May and July 2016. There is a need to reflect their requirements and influence development in the Local Plan.

With the overarching strategy for the Local Plan adopted, the Council is now seeking to allocate sufficient land to support the projected growth in the Borough over the next 15 years. As a result the main priorities regarding the Copeland Local Plan will be to produce the *Site Allocations and Policies Plan* as well as a *Planning Contributions Supplementary Planning Document (SPD)*.

Nugen's Stage 2 consultation outlines a number of Associated Development sites, for uses such as temporary worker accommodation, which will be required to enable construction at Moorside to take place. Even though Nugen's Development Consent Order application will be considered by the Secretary of State, the effective development of the Associated Development sites, and the long term benefit and legacy the Council wishes to see from nuclear new build will be enabled and guided by the Copeland Local Plan.

The *Site Allocations and Policies Plan* and *Planning Contributions SPD* will be very important to ensure the construction activity to support the development of Moorside happens in a sustainable manner and provides benefits to the borough, and will support the aspirations of the Council's recently published Growth Strategy.

This LDS also programmes an update to the *Statement of Community Involvement* to reflect changes to national regulations, such as the introduction of the Duty to Cooperate and changes to permitted development rights and development management processes.

2. The Planning Policy Framework for Copeland

2.1 Overarching Policy Framework

The Planning and Compulsory Purchase Act (and subsequent amendments) aims to make the preparation of Local Plans and other non-statutory documents quicker and more flexible, with increased, earlier and more in-depth community involvement.

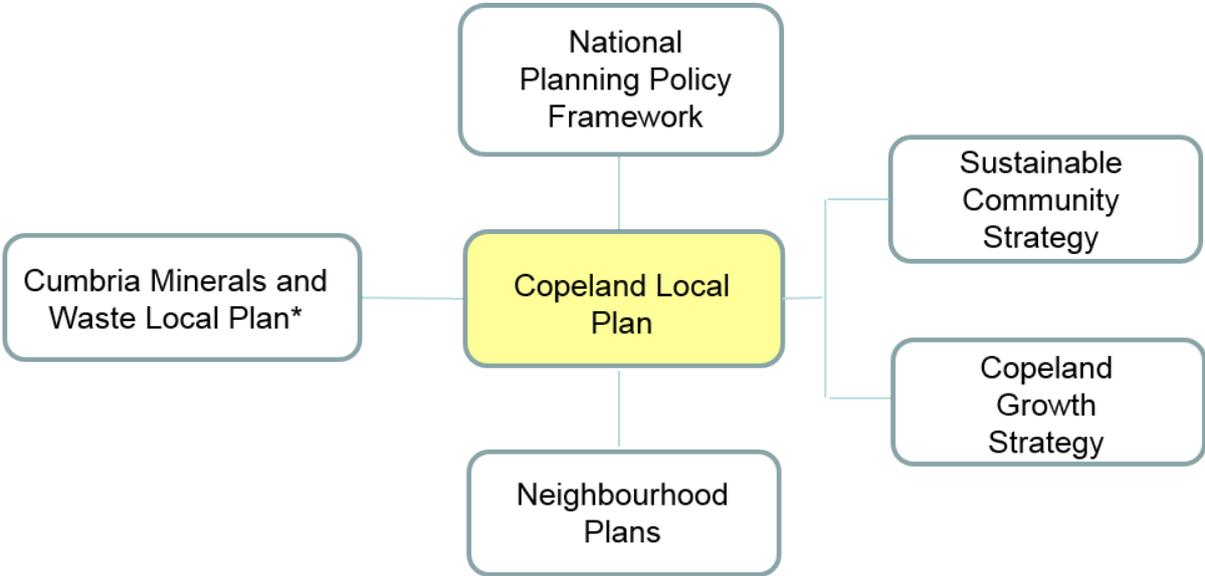
In addition, the role of planning has been expanded from a traditional focus on the control of land use, to reflect a wider, more inclusive and **spatial** approach. Emphasis is placed on flexibility, sustainability appraisal and having a sound evidence base for policy, particularly in relation to infrastructure planning and housing delivery to support growth.

The system is a **plan-led** system, in that decisions on planning applications must be determined in accordance with the statutory development plan for that area, unless strong material considerations indicate otherwise.

The Copeland Local Plan must be in conformity with national policy as set out in the *National Planning Policy Framework* and the accompanying *Planning Practice Guidance*. The Planning Inspector agreed that the *Copeland Local Plan 2013-2028: Core Strategy and Development Management Policies* are in general conformity with the NPPF during their Public Examination in 2013.

The overarching policy context for the Copeland Local Plan is shown in Diagram 1 below.

Diagram 1: Policy Context for the Copeland Local Plan



* Cumbria County Council is responsible for producing the Minerals and Waste Local Plan for the county, and Copeland Borough Council is a key consultee in this process. The Draft Cumbria Minerals and Waste Local Plan was subject to public consultation during summer 2016 and is expected to be submitted for Examination later this year.

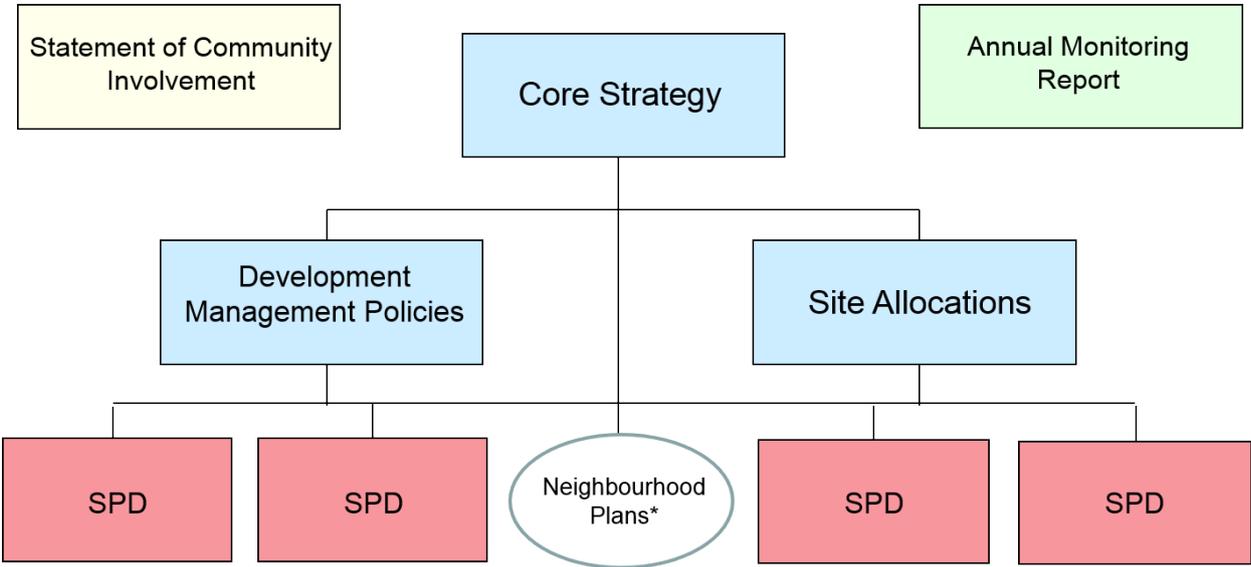
2.2 Local Plan Documents

The Copeland Local Plan comprises a suite of documents as follows:

- **Development Plan Documents (DPDs)**, which are statutory, contain the core policies and land allocations in the Local Plan, and are subject to Independent Examination by a Planning Inspector who will consider the ‘soundness’ of the Plan
- **Proposals Map**, which illustrates the policies and allocations, together with protected areas and designations on an OS map
- **Supplementary Planning Documents (SPDs)**, which provide greater detail and clarity for some of the core policies and allocations. They can be site specific or thematic and may take the form of design guides, development briefs, masterplans or issue based documents. SPDs are not subject to Independent Examination. They are material considerations in making decisions on planning applications and will therefore carry significant weight in decision-making.
- **Statement of Community Involvement (SCI)**, which outlines how and when the Council will consult with statutory consultees and members of the public during the production of the Local Plan and also planning applications
- **Annual Monitoring Reports (AMR)**, which reviews progress of Local Plan production and the effectiveness of the policies once adopted

The structure for these is shown in Diagram 2 below.

Diagram 2: The Copeland Local Plan Structure



*Neighbourhood Plans are produced by the community, usually led by the local parish council. They are produced in a similar way to a Local Plan, with the community identifying issues and producing a draft plan for consultation. This is then amended and submitted for examination (a ‘light touch’ version of a Local Plan examination). If found sound it is then subject to a local referendum, and then adopted if the majority support it. Whilst not necessarily part of the Local Plan the Council can choose to adopt them in a similar way to Supplementary Planning Documents.

2.2 The Current Copeland Local Plan

A large part of the Copeland Local Plan 2013-2028 has already been produced and provides a clear strategy for development in the borough. The following documents currently form the Copeland Local Plan:

Copeland Local Plan 2013-2028: Core Strategy and Development Policies (Adopted December 2013)

The Core Strategy sets out the strategic issues for Copeland for the next 15 years and establishes the **strategic spatial policy framework** for all other Local Plan documents, which will have to be in conformity with the policies set out in the Core Strategy. It sets out the key elements of the development strategy for the borough and gives expression to the vision and priorities in the Sustainable Community Strategy and Copeland Growth Strategy, as well as other key strategies. It includes a **key diagram** which illustrates the broad spatial development strategy and identifies the strategic locations where development will be steered to help to deliver the Council's regeneration priorities for Copeland.

The Development Management Policies comprise a number of more detailed policies to help effectively manage the development and use of land, setting out the design standards and criteria against which planning applications will be considered.

Appendix 1 within the *Core Strategy and Development Management Policies* identifies the policies from the *Copeland Local Plan 2001-2016* that have been superseded, together with a number of that have been saved until they are replaced by the *Site Allocations and Policies Plan*. (See Proposals Map section below for further details).

Site Allocations and Policies Plan (currently at Preferred Options stage)

The *Site Allocations and Policies Plan* will set out policies and proposals which allocate sites for development or earmark areas of land for protection and/or enhancement. For example, this will include sites designated for nature or heritage conservation purposes, as well as sites designated for retail use, employment land or housing. Specific land allocations and designations will be shown on a Proposals Map.

As the document is currently being produced the proposals within it carry limited weight. The weight attached will increase over time as the document reaches different stages in the production process.

Proposals Map

The Proposals Map illustrates the boundaries of the area or place specific spatial policies set out in the Local Plan. A number of the land allocations from the *Copeland Local Plan 2001-2016* have been saved until they are replaced by the *Site Allocations and Policies Plan*. Details of these remaining policies, together with the associated maps, can be found in the *Proposals Map and Copeland Local Plan 2001-2016 'Saved' Policies* document.

The Proposals Map will be amended as each new Local Plan document, particularly the Site Allocations and Policies Plan, is adopted or revised.

Whitehaven Town Centre and Harbourside SPD (Adopted September 2012)

This SPD guides redevelopment opportunities for a number of priority regeneration sites in Whitehaven Town Centre and Harbourside, providing detailed development briefs for these sites as well as setting out design and conservation guidance for these sites and the Whitehaven Town Centre Outstanding Conservation Area.

South Whitehaven SPD (Adopted March 2013)

This SPD addresses Housing Market Renewal issues in the Woodhouse and Greenbank areas, involving a large new site for private sector housing south of the existing Woodhouse estate together with further new building and improvements in the existing housing areas, and the opportunity for a new school to link these existing and new estates. The SPD provides design guidance, incorporating an overarching masterplan, and will be the basis for developer contributions and obligations.

Pow Beck Development Brief SPD (Adopted January 2008)

This SPD was produced to address regeneration aspirations for the Pow Beck Valley in Whitehaven, setting out the constraints and opportunities presented by the Pow Beck Valley area, and indicating the type of development expected by the Council.

Much of this area is now proposed as an Associated Development area by Nugeneration Ltd and so ideas for this area may need to be updated to reflect this new opportunity.

Cumbria Wind Energy SPD (Adopted January 2008)

This SPD was produced by Cumbria County Council and formally adopted by the local planning authorities in Allerdale, Carlisle, Copeland, Eden, South Lakeland and the Lake District National Park, and provides locational guidance for wind farm developments.

An **Annual Monitoring Report (AMR)**, setting out the Local Authority's progress against the LDS is required to be published each year. The AMR allows close examination of the objectives behind planning policies in terms of:

- a) Relevance to the issues being faced by an area and its communities; and
- b) Their achievement in meeting particular targets.

By monitoring the effectiveness of policies within the Copeland Local Plan the Council can identify areas where policy and/or allocations may need to be reviewed to meet the objectives of the Plan

Authorities are also required to produce a **Statement of Community Involvement (SCI)**. The SCI explains how local communities and stakeholders can be involved in the preparation of planning documents and planning applications, and sets out the Council standards for facilitating this. The Council first produced a Statement of Community Involvement in 2008 and this is being revised in 2016 to reflect changes to legislation and improvements in technology.

Other Supporting Documents

The Council adopted a number of Supplementary Planning Guidance notes to accompany the *Copeland Local Plan 2001-2016*, which provide supplementary material to policies in the Local Plan and which were prepared under the previous planning system. They currently have the status of being a 'material consideration' for planning application decisions, albeit with limited weight. The list of SPGs for Copeland includes:

- SPG 1: Layout of New Residential Developments
- SPG 2: Crime Prevention Design Scheme
- SPG 3: Whitehaven Shopfronts Design Guide
- SPG 4: The Highlands Development Brief

There are also a number of other key documents that inform the planning framework. These include:

- Copeland Growth Strategy (launched April 2016)
- Copeland Housing Strategy (currently being updated)
- Masterplans for Whitehaven, Cleator Moor, Egremont and Millom (to be produced in the coming months)
- Nationally Significant Infrastructure Project Legacy document (produced jointly with Cumbria County Council)

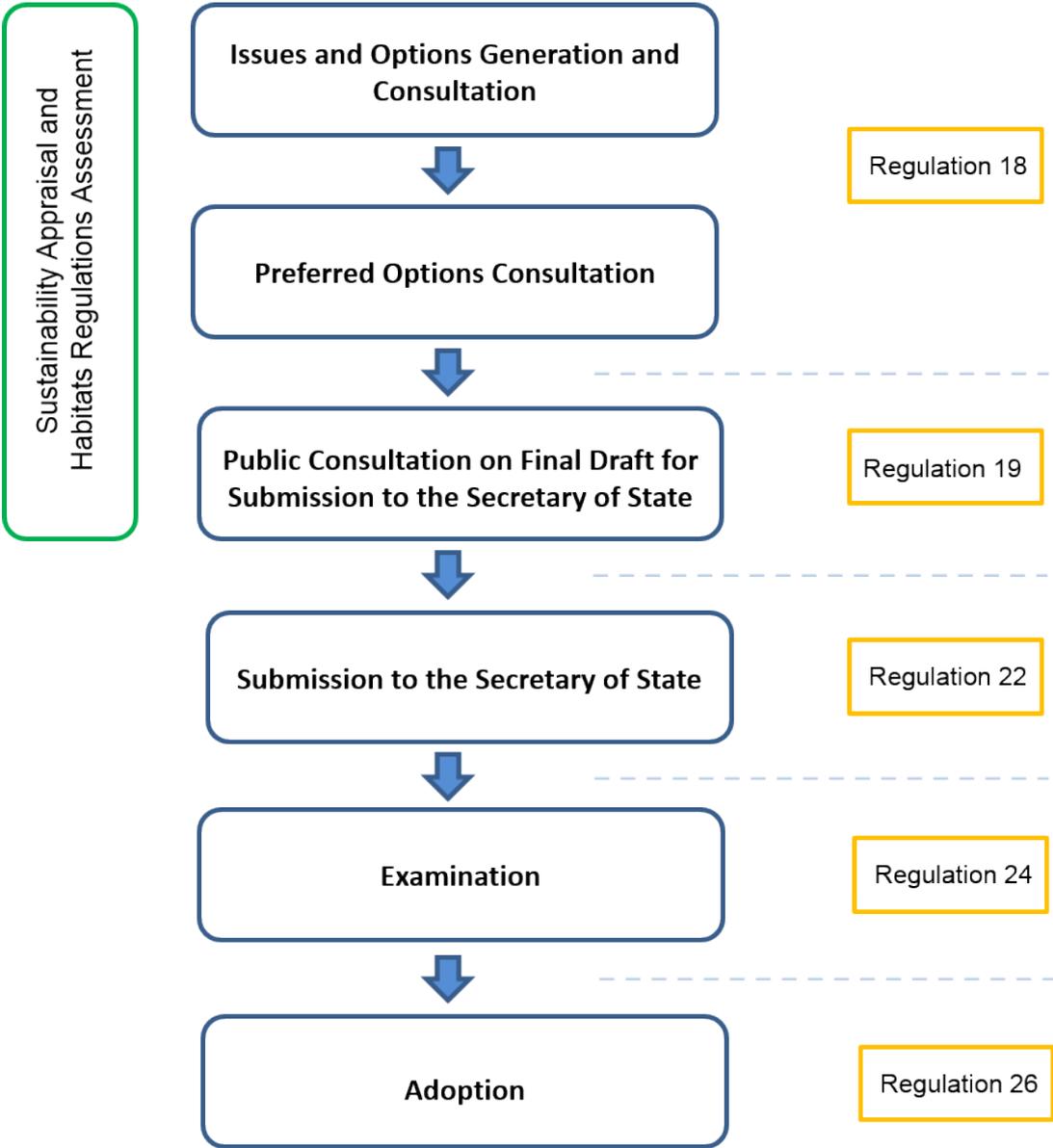
In addition, a number of **Economic Masterplans** have been prepared on behalf of the Council and its partners in recent years, including the Energy Coast Masterplan (2008) and the economic "Blueprint" for west Cumbria (2012).

3. Process for Producing the Copeland Local Plan

3.1 The Local Plan Production Process

The Town and Country (Local Planning) (England) Regulations 2012 outline the process of preparing and adopting Local Plan documents. This requires a number of stages where the community and other stakeholders can get involved. This process is illustrated in Diagram 3 below.

Diagram 3: Local Plan Production Process



The process is shorter for Supplementary Planning Documents, which are not subject to public Examination. For SPDs the Council will identify issues and options, produce a draft document for consultation which it will then amend in the light of responses received and adopt.

Full details about how to get involved in the Local Plan production can be found in the *Statement of Community Involvement*.

3.2 Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitats Directive Assessment (HDA)

Sustainable development is central to the planning system. Each Local Plan document will be subject to a continuous process of Sustainability Appraisal, incorporating the requirements of Strategic Environmental Assessment (SEA)¹, to ensure its potential social, economic and environmental effects are identified and addressed at the policy making stage.

The process of preparing SA and SEA needs to:

- Identify sustainability issues and problems;
- Collect baseline information for monitoring these issues;
- Predict significant effects in detail;
- Ensure these effects are consulted on with the public and environmental authorities;
- Address and monitor the significant effects of the plan.

The purpose of the SA/SEA is to promote sustainable development through better **integration** of sustainability considerations into the preparation of plans. The SA/SEA provides an opportunity to consider ways in which the plan can achieve environmental, social and economic objectives. The appraisal is an ongoing iterative process.

Following extensive consultation, the Council prepared an **Integrated LDF Scoping Report (September 2009)** that set the framework for assessing all documents in the Local Plan. The baseline information gathered during the preparation of the Scoping Report will be reviewed and kept up to date on an annual basis, informed by the Annual Monitoring Report.

The Conservation of Habitats and Species Regulations 2010 set out the requirement for assessment of plans or projects affecting the internationally important **Natura 2000 sites**. The Habitats Regulations Assessment (HRA) is an assessment of the potential effects of a proposed plan or project, which is not necessary for the management of the site, but which is likely to have a significant effect on one or more Natura 2000 sites, in view of the site's conservation objectives. The Council will assess each of its Local Plan documents to determine whether any of these documents (alone or in combination with other plans) would have significant adverse effects on any Natura 2000 sites in or close to the authority boundaries. This process will run alongside the Sustainability Appraisal process as far as possible.

¹ Note that these processes are combined into one assessment.

4. Remaining Local Plan Documents to be produced

The Council intends to produce a number of Local Plan documents over the next two years. The main focus will be to produce the Site Allocations and Policies Plan and complete the Local Plan.

In addition the Council also intends to produce two Supplementary Planning Documents (SPDs); one covering planning contributions and the other shopfront design. A brief summary of each of these documents is provided below, and full profiles outlining their scope, status, geographic coverage, chain of conformity and programme for production can be found in **Appendix 1**.

Two further SPDs which had been included in the previous Local Development Scheme (West Whitehaven and Design SPDs) are no longer planned for production in the next two years. If resources or priorities change this Local Development Scheme will be revised accordingly.

Site Allocations and Policies Plan

The *Site Allocations and Policies Plan* will demonstrate how the adopted Core Strategy, and crucially the policies which outline the borough's ambitious targets for growth and development, will be delivered on the ground, as well as identifying areas to be protected from development. Together with the adopted Core Strategy and Development Management Policies it will provide the basis for determining planning applications.

The Local Plan should allocate enough land to meet the borough's predicted needs over the plan period (2013-2028) which is identified in the adopted Core Strategy. The Site Allocations and Policies Plan will achieve this with a suite of site specific policies followed by the proposed options for land allocations. Once adopted, they will replace the remaining allocations that have been saved from the *Copeland Local Plan 2001-2016*.

The Council consulted on Preferred Options during January and February 2015, and identified a number of preferred draft policies and possible allocations. Since then, there have been a number of significant changes that the *Site Allocations and Policies Plan* will have to take account of, including:

- The need for a local planning framework to achieve positive legacy from Nugeneration Ltd's worker accommodation sites
- A requirement to consider identifying appropriate areas for wind energy
- The Housing and Planning Act 2016, which introduces Starter Homes and Self Build/Custom Build Housing by Government, as well as a requirement for other registers to be maintained

This significant changes means that the Council will consult on a further round of Preferred Options from December 2016 to February 2017 in order that they can properly be considered before the final draft of the plan is produced ready for submission to the Secretary of State.

It should be noted that many of the proposals from the consultation in 2015 will remain as preferred options as the Plan progresses, and some now have planning permission. The additional Preferred Options consultation will seek to:

- Focus on the possible options and preferred options that relate to the new issues that have emerged since 2015
- Provide greater certainty and clarity around the preferred option sites and requirements for their development

It is hoped that the document will be updated quickly following consultation so that the final Pre-Submission draft can be ready for consultation during summer 2017.

Planning Contributions SPD

This SPD will set out those priorities as a basis for negotiating planning contributions from developers, so that new development helps to meet the impacts which it has on the borough. It will set out the Council's approach and strategy for the use of a Community Infrastructure Levy (CIL) scheme, negotiating Section 106 agreements as part of planning approvals and setting up community benefits packages in relation to large scale development (e.g. nuclear new build).

If the Council decides to adopt a Community Infrastructure Levy, which would be a tariff potentially on all development, any proposal for a levy would be in a separate document subject to separate consultation and independent public examination.

Shopfront Design SPD

This SPD will help improve the quality of developments and refurbishments of shopfronts in the town centres, making them more attractive for residents and visitors alike. The work for this will be led by the Council's THI officer and will provide a legacy of good design that will reach beyond the boundary of the Whitehaven THI project, as the SPD will apply to all town centres.

The Gantt chart in **Appendix 3** provides an overview of the timetable and key milestones for preparing the new LDDs.

Neighbourhood Plans

Neighbourhood Plans are produced by the community, usually led by the local parish council, and the Council's role is mainly to provide advice about conformity with the Local Plan and to undertake some technical duties at formal stages, such as designating the neighbourhood plan area, and organising the examination and referendum.

There are currently no active Neighbourhood Plans in the Copeland Local Plan area, but the following parishes have been designated as neighbourhood planning areas and work was begun:

- St Bees
- Millom Without

5. The Evidence Base for Preparing the Local Plan

5.1 The Existing Evidence Base and Updates Required

The Local Plan should be founded on a thorough understanding of the needs of Copeland, and the opportunities and constraints which may influence future development. The type of information that will be required includes not only information related to different types of land use, but to other issues and constraints which may be required to inform decision making on spatial planning issues (e.g. economic development, health, education, flooding, nature conservation, contaminated land).

Much of the evidence base for the Copeland Local Plan was produced for the *Core Strategy and Development Management Policies* document and can be found at:

<http://www.copeland.gov.uk/content/examination-document-list>

In order to ensure that the evidence base is up to date, and reflects anticipated changes associated with the construction of Moorside etc. a number of evidence base studies will be updated to support the Site Allocations and Policies Plan. These include:

- Whitehaven Masterplan
- Culture, Leisure and Tourism Strategy update
- Infrastructure Deficit Plan and Delivery Strategy
- Green Infrastructure Strategy
- Open Space Assessment Refresh
- Employment Land Supply update
- Retail Study update
- Viability Assessment
- SHLAA
- Village Services Survey update
- Town Centre Occupancy Survey 2016
- St Bees Head Heritage Coast assessment
- Strategic Flood Risk Assessment
- Housing Position Paper (including 5 year land supply)
- Housing Market and Sites Appraisal
- Transport Modelling of sites
- GTAA Refresh
- Wind Energy Search Area Options Paper
- Copeland Landscape Character Assessment

This is not an exhaustive list and additional pieces of work may be produced if required.

5.2 Scope for Joint Working with Other Local Planning Authorities

The Council regularly meets with other planning authorities in Cumbria and this is an opportunity to share experiences and resources via joint working. Historically the Council has undertaken or commissioned a number of evidence base reports with Allerdale Borough Council to properly reflect the west Cumbria sub-region. We will continue to do so wherever possible. We are also considering Cumbria wide assessment updates regarding Gypsy and Traveller Accommodation needs and Strategic Flood Risk.

6. Monitoring and Review

6.1 The Annual Monitoring Report (AMR)

The Council is required to monitor the effectiveness of its policies and proposals. The Annual Monitoring Report (AMR) covers the period 1st April to 31st March and will be completed by December each year. The AMR will monitor progress on plan preparation, as set out in the Local Development Scheme, and whether the key milestones are being met. The monitoring will assess:

- Whether the policies and targets in the Local Plan have been met, or progress is being made towards meeting them;
- Whether any policies need to be replaced - if they are not working as intended, or are failing to achieve sustainable development objectives. If policies need changing or replacing, suggested actions will be identified;
- Include progress against the national core output indicators², including information on housing delivery;
- In the future, indicate how infrastructure providers have performed against infrastructure delivery programmes set out in support of the Core Strategy. The AMR will be used to reprioritise any previous assumptions made regarding infrastructure delivery.
- Include a list of background and supporting documents and identify if further information is required; and
- Guide further revisions of the LDS, as necessary.

A copy of the AMR can be found on the planning policy pages of the Council's website at www.copeland.gov.uk.

6.2 Future Reviews of the LDS

The Council is committed to reviewing this LDS as regularly as is necessary. The flexible nature of the planning system means that we can make changes to the LDS as circumstances change. For example, a new Supplementary Planning Document may be required to address a policy issue identified in the AMR, or a revision to the timetable may be needed to reflect a substantial change in resources. When this happens, the Council will publish the revised LDS on our website.

² Core Output Indicators are indicators that all local authorities must monitor and they are listed in *Local Development Framework Monitoring: A Good Practice Guide* (ODPM 2005) and *Regional Spatial Strategy and Local Development Framework: Core Output Indicators - Update 2/2008* (CLG 2008).

7. Resources and Responsibilities for Delivering the Local Plan

The following section identifies the responsibilities of those involved in production of the Local Plan, and the resources allocated to the task. Further detail for each document to be produced is provided in Appendix 1.

7.1 Political decision making

The Local Plan production process will be steered at the political level by the Council's **LDF Working Party**, which comprises council members from all parties and meets as required. Its role is to consider evidence reports, background reports, consultation programming and outcomes, sustainability appraisals and policies and proposals. The LDF Working Party will make recommendations to Full Council on all key policy decisions. The decision to adopt documents as Council policy will be made by Full Council.

The Strategic Planning Manager will be responsible for overall programme management to produce the Local Plan and supporting SPDs and evidence base, including ensuring that the Annual Monitoring Report is produced on time and that monitoring information is fed into reviews of the LDS.

7.2 Human Resources

The Council's Planning Policy team is responsible for all planning functions excluding development control, conservation, enforcement, minerals and waste and transportation (although the Strategic Planning Manager also has overall responsibility for liaison with the County Council and others on all transport matters).

The Planning Policy team comprises the Strategic Planning Manager, Planning Policy Officer and Planning Policy Technical Officer. A recent restructure proposes the addition of a Senior Planning Policy Officer on a 2 Year Fixed Term contract, which will provide increased capacity to meet the challenging timescales in this Local Development Scheme. The LDS is built on the premise that a full establishment is achieved and maintained.

The Council has entered into a Planning Performance Agreement (PPA) with Nugeneration Ltd which allows the Council to recover costs associated with the NSIPs, and the team's involvement to date has enabled the creation of the Senior Planning Policy Officer role on a Fixed Term contract. The PPA also allows the Council to procure consultancy support, which can either be specialist advice and support for the NSIP, or to provide 'backfill' for Council officer time spent on Moorside activities.

The Council's Development Management team will also provide some support with assessments and appraisals for the *Site Allocations and Policies Plan*, along with other Council departments. The 'Joint Working' discussed in paragraph 5.2 above also allows for the limited resources to go further.

Where appropriate, further work will be commissioned from consultants, particularly in relation to technical background studies.

7.3 Financial Resources

There is an annual budget allocated for Local Plan work, and additional funding has been carried forward from previous years. Any additional funding would have to be approved by the Council.

8. Risks to Delivery of the LDF

As part of the Council's approach to project management, the risks associated with producing different elements of the LDF have been identified, in order to ensure that steps can be taken to address these, or to minimise their impact on the LDF programme. The principal risks identified are set out below.

8.1 Human Resources

Staff recruitment and retention has been identified as a high risk.

Due to a number of factors the Planning Policy team has been very small (two staff) in recent years, and has supported the Council's role with the Nationally Significant Infrastructure Projects (NSIPs) at Moorside and National Grid's North West Coast Connections project, which affected production of the *Site Allocations and Policies Plan*. This role has increased significantly in recent months and is likely to remain high over the next year or more.

The Planning Performance Agreement (PPA) with Nugeneration Ltd as described in section 7.1 above will help ensure capacity is available from a number of sources. Whilst the PPA does provide resources to allow the Council to be properly involved in the NSIP process it does not provide additional resource and the team is still very small, even once the Senior Planning Policy Officer is recruited.

The Council has not tried to recruit a senior planning officer for a number of years and so there is uncertainty around the availability of the labour market. Even if the post is quickly filled it may be a number of months before the person is in post and familiar with the issues and requirements of the role, which raises the importance of consultancy support in the short term for this LDS.

Planning Performance Agreements for other projects may also help to ensure the team can meet the needs of the many competing demands associated with the growth Copeland is enabling.

8.2 Moorside and North West Coast Connections NSIPs

Both of these NSIPs have a production process similar to that for a Local Plan and both Nugeneration Ltd and National Grid have published production programmes, which has enabled the Council to allocate resources. If either of these programmes change, or require a greater input from the Council it could have implications for the Local Plan, both in terms of staff time and the scope of documents that the Local Plan will need to provide.

8.3 Changes to National Policy, Priorities and Legislation

The *National Planning Policy Framework* was published just as the Core Strategy and Development Management Policies was being completed. As a result the Council had to undertake further work to ensure the Local Plan complied with the NPPF and also that there were no local policy 'gaps', as the 55 page NPPF replaced 1,000 pages of national policy which the Council had not initially wanted to repeat.

The *Housing and Planning Act 2016* will also make changes to national policy and the requirements form Local Plans and policy teams, such as Starter Homes, self-build and custom housebuilding, permission in principle and requirements for land registers.

To reduce the impact of this issue the Council will continue to work collaboratively with other Cumbrian authorities to share ideas, identify best practice and possibly even share resources to meet these new and increasing requirements. In the short term we will also be able to utilise advice and support from our planning support consultancy if appropriate.

8.4 Soundness of Local Plan documents

There is a risk that one or more of the Local Plan documents may be found to be ‘unsound’ by the Planning Inspector. This would mean that the Council would have to return to an earlier stage in the production process and effectively start over, adding considerably to the cost and timeframe for production. This risk will be minimised by working closely with the Planning Inspectorate (PINS) at each production milestone stages, and particularly in the run up to submission to ensure that the documents are consistent with national policy and are going through the correct processes. It is hoped that the successful adoption of the Core Strategy will also significantly reduce this risk.

8.5 Legal Challenge

The risk of legal challenge will be minimised by ensuring that Local Plan documents are “sound” – i.e. founded on a robust evidence base and well-audited stakeholder and community engagement. The Council will undertake a soundness self-assessment in accordance with guidance from the Planning Advisory Service (PAS) before it submits any document for examination. The Planning Policy team will work with the Legal department to ensure that its policies are legally sound and have been prepared in accordance with the Regulations.

8.6 Public and political engagement

Unforeseen delays in the political approval of Local Plan components, or changes in local political agendas have the potential to prejudice achievement of the published programme. This risk should be quite low now that the Council has an adopted Core Strategy and will be reduced further by close and on-going dialogue with Members in relation to the proposed content of documents, so that wide political ownership of the Local Plan is secured.

The potential for consultation fatigue and the limited capacity to respond to consultation requests in a small volunteer community with limited resources, could lead to resistance to the timescales, and/or limited engagement. This is especially relevant given the public consultations that both Nugeneration Ltd and National Grid will run.

This risk will be minimised, as far as possible, by coordinating major consultations and adopting a flexible approach to consultation. The *Statement of Community Involvement*, provides details about how the Council will consult with the public on Local Plan documents and the team will monitor the effectiveness of different methods to improve in the future.

8.7 Financial Resources

It is currently assumed that the resources necessary to prepare the documents in this LDS can be met from the annual Planning Policy budget, alongside monies from reserves that have been carried over, with the largest unknown cost being the Examination of documents, and staff will also work to keep any costs to a minimum. In the event that this is not sufficient the team will have to make a case to Full Council to release further funds to complete the Local Plan.

8.8 Joint Working

While joint working with other authorities has obvious benefits in terms of joined-up thinking, consistency of approach to cross boundary issues and savings in time and resources, it also has the potential to cause delays to the programme. This can happen particularly if partner organisations are unable to commit similar resources over similar time periods in order to meet joint deadlines/milestones or if there are delays in joint decision-making. This risk will be minimised by close project management and discussion between the parties involved, with formalised agreements for decision making wherever possible.

8.9 Examination Delays

Delays to the timetable may be experienced if the Planning Inspectorate is unable to meet the proposed timetable for examination and reporting. This risk will be minimised by early discussion and consultation with the Planning Inspectorate as to the proposed timetable.

Contact details

For more information about any of the issues raised in this Local Development Scheme please contact:-

The Planning Policy Team
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The Copeland Centre
Catherine Street
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This document, together with all other Local Development Documents produced by Copeland Borough Council will be made available on the Planning Policy pages on the Council's website: www.copeland.gov.uk

APPENDIX 1: Local Plan Document Profiles

This appendix contains profiles about each of the documents that the Council will produce to complete the Local Plan and the key milestones for their production.

The following documents have now been produced and adopted and as such we have not included full profiles about them and their production in this appendix:

- Copeland Local Plan: Core Strategy and Development Management Policies (December 2013)
- Cumbria Wind Energy SPD (January 2008)
- Pow Beck SPD (January 2008)
- Whitehaven Town Centre and Harbourside SPD (September 2012)
- South Whitehaven SPD (March 2013)

The West Whitehaven SPD and Design SPD, which were proposed in the previous LDS, are no longer included in this Local Development Scheme.

Title of the Document	SITE ALLOCATIONS AND POLICIES PLAN	
Role & Content	Set out the spatial land allocations to implement Core Strategy policies and growth agenda, and also provide the framework for development management decisions. Replaces saved <i>Copeland Local Plan 2001-2016</i> allocations.	
Geographical Coverage	Copeland Borough outside of the National Park.	
Status	Development Plan Document	
Chain of Conformity	1	Core Strategy
	2	Site Specific Allocations and Policies
	3	SPD
Joint Document? (if so, who with)	No	
Timetable		
Pre-production Consulting statutory bodies on scope of Sustainability Appraisal	November 2008 – current	
Consultation on Issues and Options/Preferred Options (Regulation 18 consultation).	January – March 2015 (Preferred Options) December 2016 – February 2017 (Updated Preferred Options)	
Consultation on the Publication DPD	July – August 2017	
Submission to Secretary of State	November 2017	
Pre examination meeting	January 2018	
Start of Public Examination Hearing	April 2018	
Receipt of Inspectors Report	July 2018	
Adoption, Publication and Revision of Proposals Maps	September 2018	
Arrangements for production	Planning Policy Team	
Which department will lead the process	Planning Policy Team	
Management arrangements	Strategic Planning Manager is the lead officer, LDF Working Party to review and recommend documents for consultation and adoption, and Full Council to approve consultation and adopt documents	
Resources required to produce the LDD, including resources committed from external stakeholders.	Planning Policy Team will undertake the majority of the work. Additional work by consultants.	
Approach to involving Stakeholders	As set out in the Statement of Community Involvement.	
Post Production		
Monitoring and Review mechanisms	As set out in the Annual Monitoring Report.	

Title of the Document	PLANNING CONTRIBUTIONS SPD	
Role & Content	To provide guidance for applicants on the Council's approach to negotiating planning obligations such as Community Infrastructure Levy (CIL), S106 agreements and community benefits package from large scale development (e.g. nuclear new build).	
Geographical Coverage	Copeland Borough outside of the National Park.	
Status	Supplementary Planning Document	
Chain of Conformity	1	Core Strategy
	2	Site Allocations and Policies plan/Development Management Policies
	3	SPD
Joint Document? (if so, who with)	No	
Timetable		
Pre-production/ Consulting statutory bodies on scope of Sustainability Appraisal	January 2009 – February 2009 (SA Scope) September 2011 – October 2011 (Consultation on Issues/Scope for the document)	
Preparation of draft document	November 2011 – February 2012 September – December 2016	
Consultation on Draft Document & Sustainability Appraisal	January – February 2017	
Adoption and Publication	June 2017	
Arrangements for production	Specialist consultant support will be responsible for most of the drafting, overseen by the Planning Policy team with assistance of the Development Management team	
Which department will lead the process	Planning Policy Team	
Management arrangements	Strategic Planning Manager is the lead officer, LDF Working Party to review and recommend documents for consultation and adoption, and Full Council to approve consultation and adopt documents	
Resources required to produce the LDD, including resources committed from external stakeholders.	Specialist consultant support provided via PPA resource, together with input from Planning Policy Team and Development Management Team	
Approach to involving Stakeholders	As set out in the Statement of Community Involvement	
Post Production		
Monitoring and Review mechanisms	As set out in the Annual Monitoring Report. Substantial changes to legislation or Government Policy may also trigger a review of this document.	

Title of the Document	SHOPFRONT DESIGN SPD	
Role & Content	<p>To provide guidance to help improve the quality of developments and refurbishments in the town centres and conservation areas to make sure they are sympathetic to the historic character. This will help make the town centres more attractive for residents and visitors.</p> <p>It will provide greater clarity for developers, agents, architects and designers and also be a useful tool for officers and Members when considering planning applications.</p> <p>This replaces the Design SPD, which was to apply to all types of development. We hope to have resources to produce this Design SPD in the future.</p>	
Geographical Coverage	The design principles within this SPD will apply across the whole LDF area.	
Status	Supplementary Planning Document	
Chain of Conformity	1	Core Strategy
	2	Site Allocations and Policies plan/Development Management Policies
	3	SPD
Joint Document? (if so, who with)	No	
Timetable		
Pre-production/ Consulting statutory bodies on scope of Sustainability Appraisal	January – February 2017	
Preparation of draft document	January – May 2017	
Consultation on Draft Document & Sustainability Appraisal	June – July 2017	
Adoption and Publication	September 2017	
Arrangements for production	THI Officer/Conservation Officer/Planning Policy Team	
Which department will lead the process	THI Officer/Planning Policy Team	
Management arrangements	Strategic Planning Manager is the lead officer, LDF Working Party to review and recommend documents for consultation and adoption, and Full Council to approve consultation and adopt documents	
Resources required to produce the LDD, including resources committed from external stakeholders.	Conservation Officer, THI Officer and some specialist consultant support to draft the document, and the Planning Policy Team to take it through the production process	
Approach to involving Stakeholders	As set out in the Statement of Community Involvement	
Post Production		
Monitoring and Review mechanisms	As set out in the Annual Monitoring Report. The adoption of the Core Strategy will trigger a review of this document.	

APPENDIX 2: Glossary

The Act: the Planning and Compulsory Purchase Act 2004.

Annual Monitoring Report (AMR): part of the Local Development Framework, the Annual Monitoring Report will assess the implementation of the Local Development Scheme and the extent to which policies in Local Development Documents (including saved Local Plan policies) are being successfully implemented.

Area Action Plan (AAP): used to provide a planning framework for areas of change and areas of conservation. Area Action Plans will have the status of Development Plan Documents.

Core Strategy: sets out the long-term spatial vision for the local planning authority area, the spatial objectives and strategic policies to deliver that vision. It can include strategic site allocations. The Core Strategy will have the status of a Development Plan Document.

Core Output Indicators: these are indicators that all local authorities must monitor and they are listed in Local Development Framework Monitoring: A Good Practice Guide (ODPM 2005). The Core Indicators that local authorities are required to monitor are based on the existing regional Core Output Indicators that regional planning bodies are required to monitor. This reflects the need for compatibility to exist between the Annual Monitoring Reports of the regional planning body and the LDF Annual Monitoring Reports of the local authorities within that region.

Development Plan: as set out in Section 38(6) of the Act, an authority's development plan consists of the relevant Regional Spatial Strategy (or the Spatial Development Strategy in London) and the Development Plan Documents contained within its Local Development Framework.

Development Plan Documents (DPD): spatial planning documents that are subject to independent examination, and together with the relevant Regional Spatial Strategy, will form the Development Plan for a local authority area for the purposes of the Act. They can include a Core Strategy, Site Specific Allocations of land, and Area Action Plans (where needed). Other Development Plan Documents, including Development Management Policies, can be produced. They will all be shown geographically on an adopted Proposals Map. Individual Development Plan Documents or parts of a document can be reviewed independently from other Development Plan Documents. Each authority must set out the programme for preparing its Development Plan Documents in the Local Development Scheme.

Development Management Policies: these will be a suite of criteria-based policies which are required to ensure that all development within the areas meets the spatial vision and spatial objectives set out in the Core Strategy.

Housing Trajectory: The role of the housing trajectory is to integrate the "Plan, Monitor, Manage" approach to housing delivery by showing past performance and estimating future performance. The housing trajectory will illustrate this information in a graphical form. The AMR housing trajectory for Copeland will compare the levels of actual and projected

completions over the period of the plan with the housing trajectory contained in the Core Strategy.

Key diagram: authorities will be required to include a key diagram in the Core Strategy to illustrate broad locations of future development.

Local Development Documents (LDD): the collective term in the Act for Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement.

Local Development Framework: the name for the portfolio of Local Development Documents. It consists of Development Plan Documents, Supplementary Planning Documents, a Statement of Community Involvement, the Local Development Scheme and Annual Monitoring Reports. Together these documents will provide the framework for delivering the spatial planning strategy for a local authority area and may also include Local Development Orders and Simplified Planning Zones.

Local Development Scheme: sets out the programme for preparing Local Development Documents. All authorities must submit a Scheme to the Secretary of State for approval within six months of commencement of the Act.

Local Strategic Partnership: partnerships of stakeholders who develop ways of involving local people in shaping the future of their neighbourhood and deciding how local services are provided. They are often single non-statutory, multi-agency bodies which aim to bring together locally the public, private, community and voluntary sectors.

Local Transport Plan: 5-year strategy prepared by each local highways authority for the development of local, integrated transport, supported by a programme of transport improvements. It is used to bid to Government for funding transport improvements.

Proposals Map: the adopted Proposals Map illustrates on a base map (reproduced from, or based upon a map base to a registered scale) all the policies contained in Development Plan Documents, together with any saved policies. It must be revised as each new Development Plan Document is adopted, and it should always reflect the up-to-date planning strategy for the area. Proposals for changes to the adopted proposals map accompany submitted Development Plan Documents in the form of a submission Proposals Map.

Regional planning body: one of the nine regional bodies in England (including the Greater London Authority) responsible for preparing Regional Spatial Strategies (in London the Spatial Development Strategy).

Regional Spatial Strategy: sets out the region's policies in relation to the development and use of land and forms part of the development plan for local planning authorities. Planning Policy Statement 11 'Regional Spatial Strategies' provides detailed guidance on the function and preparation of Regional Spatial Strategies.

The Regulations: Town and Country Planning (Local Development) (England) Regulations 2004, and the Town and Country Planning (Transitional Arrangements) Regulations 2004, including any subsequent amendments.

Saved policies or plans: existing adopted Development Plans are saved for three years from the date of commencement of the Act. Any policies in old style Development Plans adopted after commencement of the Act will become saved policies for three years from their adoption or approval. The Local Development Scheme should explain the authority's approach to saved policies. Policies can be saved beyond the three year period by application by the local planning authority to Secretary of State, six months prior to expiry.

Site specific allocations: allocations of sites for specific or mixed uses or development, to be contained in Development Plan Documents. Policies will identify any specific requirements for individual proposals.

Statement of Community Involvement (SCI): sets out the standards which authorities will achieve with regard to involving local communities in the preparation of Local Development Documents and development control decisions. The Statement of Community Involvement is not a Development Plan Document but is subject to independent examination.

Strategic Environmental Assessment: a generic term used to describe environmental assessment as applied to policies, plans and programmes. The European 'SEA Directive' (2001/42/EC) requires a formal 'environmental assessment of certain plans and programmes, including those in the field of planning and land use'.

Supplementary Planning Documents: provide supplementary information in respect of the policies in Development Plan Documents. They do not form part of the Development Plan and are not subject to independent examination, although they must be subject to community consultation before being adopted.

Sustainability Appraisal: tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic factors) and required in the Act to be undertaken for all Local Development Documents.

Sustainable Community Strategy: local authorities are required by the Local Government Act 2000 to prepare these, with aim of improving the social, environmental and economic well being of their areas. Through the Community Strategy, authorities are expected to co-ordinate the actions of local public, private, voluntary and community sectors. Responsibility for producing Community Strategies may be passed to Local Strategic Partnerships, which include local authority representatives.

