

Public Document Pack



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CABINET

DATE: TUESDAY 13 JULY 2010
TIME: 2.00 PM
PLACE: WARSPITE ROOM, COUNCIL HOUSE

Members –

Councillor Mrs Pengelly, Chair
Councillor Fry, Vice Chair
Councillors Bowyer, Brookshaw, Jordan, Michael Leaves, Sam Leaves, Monahan,
Mrs Watkins and Wigans

Members are invited to attend the above meeting to consider the items of business overleaf

Members and Officers are requested to sign the attendance list at the meeting.

BARRY KEEL
CHIEF EXECUTIVE

CABINET

PART I (PUBLIC MEETING)

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

To receive apologies for non-attendance submitted by Cabinet Members.

2. DECLARATIONS OF INTEREST

Cabinet Members will be asked to make any declarations of interest in respect of items on this agenda.

3. MINUTES

(Pages 1 - 10)

To sign and confirm as a correct record the minutes of the meeting held on 8 June 2010.

4. QUESTIONS FROM THE PUBLIC

To receive questions from the public in accordance with the Constitution.

Questions, of no longer than 50 words, can be submitted to the Democratic Support Unit, Corporate Support Department, Plymouth City Council, Civic Centre, Plymouth, PL1 2AA, or email to democraticsupport@plymouth.gov.uk. Any questions must be received at least 5 clear working days before the date of the meeting.

5. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

CABINET MEMBER: THE DEPUTY LEADER

6. LOCAL DEVELOPMENT FRAMEWORK: ADOPTION OF PLANNING OBLIGATIONS AND AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT, FIRST REVIEW **(Pages 11 - 80)**

CMT Lead Officer: Director for Development and Regeneration

7. REVIEW OF LOCAL DEVELOPMENT SCHEME (Pages 81 - 128)

CMT Lead Officer: Director for Development and Regeneration

CABINET MEMBER: COUNCILLOR MONAHAN

8. MODERNISATION OF SHORT BREAK SERVICES FOR PEOPLE WITH A LEARNING DISABILITY (Pages 129 - 136)

CMT Lead Officer: Director for Community Services

9. RESIDENTIAL CARE: UPDATE ON MODERNISATION OF OLDER PEOPLES' SERVICES 2005 - 2015 (Pages 137 - 146)

CMT Lead Officer: Director for Community Services

10. FAIRER CONTRIBUTIONS POLICY, CHARGING WITHIN A PERSONALISED SYSTEM (Pages 147 - 158)

CMT Lead Officer: Director for Community Services

11. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

MEMBERS OF THE PUBLIC TO NOTE

That under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

CABINET MEMBER: COUNCILLOR BOWYER

12. CONTRACT AWARD - SUPPLY OF TEMPORARY AGENCY STAFF (E3) (Pages 159 - 170)

CMT Lead Officer: Director for Corporate Support

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Cabinet

Tuesday 8 June 2010

PRESENT:

Councillor Mrs Pengelly, in the Chair.

Councillor Wigens, Vice Chair for the meeting.

Councillors Bowyer, Brookshaw, Jordan, Michael Leaves, Sam Leaves, Monahan and Mrs Watkins.

Also in attendance: Councillors James (Chair of the Overview and Scrutiny Management Board) and Viney (former Chair of the Growth and Prosperity Overview and Scrutiny Panel).

Adam Broome (Director for Corporate Support), Carole Burgoyne (Director for Community Services), James Coulton (Assistant Director for Culture, Sport and Leisure), David Draffan (Assistant Director for Economic Development), Ian Gallin (Assistant Chief Executive), Mark Grimley (Assistant Director for Human Resources and Organisational Development), Tim Howes (Assistant Director for Democracy and Governance), Bronwen Lacey (Director of Services for Children and Young People), Mairead MacNeil (Assistant Director for Children's Social Care), David Northey (Head of Finance), Anthony Payne (Director for Development and Regeneration), Gill Peele (Lead Officer for the Growth and Prosperity Overview and Scrutiny Panel), Benji Shoker (Youth Offending Service Manager) and (Sandra Wilson (Corporate Finance and Accountancy Manager).

Apologies for absence: Councillor Fry (Vice Chair) and Barry Keel (Chief Executive).

The meeting started at 2.00 pm and finished at 3.25 pm.

Note: At a future meeting, the Cabinet will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

1. **VICE CHAIR OF THE MEETING**

In the absence of the Vice Chair, Agreed that Councillor Wigens is appointed Vice Chair for this meeting.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest in accordance with the Code of Conduct, from councillors in relation to items under consideration at this meeting.

3. **NEW CABINET MEMBERS**

The Chair welcomed Councillors Sam Leaves and Mrs Watkins to this, their first meeting of Cabinet.

4. **MINUTES**

The minutes of the meeting held on 13 April 2010 were signed as a correct record.

5. **QUESTIONS FROM THE PUBLIC**

There were no questions from the public for this meeting.

CHAIR'S URGENT BUSINESS

6. **Agency Staff Procurement - extension of contract**

The Chair reported that she had one item of urgent business on a contract extension for agency staff procurement which was a confidential item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

See minute 18 below.

7. **Dignity in Care Award**

The Chair reported that Plymouth had won the national Dignity in Care award which recognised staff in caring professions who go the extra mile to respect people's dignity in care home settings. Staff from the City Council's adult social care services and NHS Plymouth collected the award which was in recognition of its cutting edge work to ensure the highest possible standards in the city's 106 care homes. The judges praised the Plymouth team for their vision and imagination to help the care home sector in Plymouth really understand the meaning of dignity to improve the quality of experience for residents.'

The Chair indicated that she was thrilled with the success and congratulated all staff involved.

Agreed that -

- (1) the staff are congratulated on their success;
- (2) the relevant team leaders are invited to the next meeting of the City Council, with the award.

(In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above items for urgent consideration because of the need for a Cabinet decision and to advise Cabinet Members of the award.)

8. **OVERVIEW AND SCRUTINY REVIEW OF SKATEBOARDING BY-LAW**

The Director for Development and Regeneration, submitted a written report on the recommendations of a task and finish group established by the Overview and Scrutiny Management Board (from the Growth and Prosperity Overview and Scrutiny Panel) to review the skateboarding by-law.

Councillor Coker (Chair of the Task and Finish Group) had indicated that he was unable to attend the meeting and Councillor James (Chair of the Overview and Scrutiny Management Board) presented the recommendations to Cabinet.

Councillor Wiggins (Cabinet Member for Transport) paid tribute to the councillors on the task and finish group, and in particular to Councillor Coker, for the thorough piece of work undertaken by the group, involving young people and the youth parliament.

Agreed that –

- (1) the recommendations from the Growth and Prosperity Overview and Scrutiny Panel and the Overview and Scrutiny Management Board are endorsed as follows -
 - (a) the retention of the current by law;
 - (b) in the short term -
 - that the legal department review the words on the external signage in the area, to ensure that it appropriately informs people of the dangers of prosecution should they cause a nuisance, harm or damage in accordance with the current by law;
 - that a suitable alternative site is sought for urban skateboarding;
 - (c) in the longer term -
 - that future design proposals for areas of the city centre consider communal use of space and to ensure that final designs take into account either the encouragement or deterrent of skateboarding activity (either through development proposals or as part of highway public realm works);
 - a further review takes place once the new Central Park skateboarding park and the indoor facility at Cattedown have had time to mature, and when the future enforcement legislation is known; this review to be undertaken by the lead member for this neighbourhood under the Council's localities working arrangements;
- (2) thanks are extended to Councillor James for presenting the report and also to Councillor Coker for chairing the task and finish group.

9. **OVERVIEW AND SCRUTINY REVIEW OF WORKLESSNESS**

The Director for Development and Regeneration submitted a written report on the recommendations from the Growth and Prosperity Overview and Scrutiny Panel on worklessness.

Councillor Viney (former Chair of the Growth and Prosperity Overview and Scrutiny Panel) presented the recommendations to Cabinet.

The Overview and Scrutiny Management Board had approved the following recommendations -

- (i) that the Department for Development and Regeneration take on the ownership and leadership of the worklessness agenda on behalf of the Council and that links across Plymouth City Council are accordingly established to (a) ensure the council's role is clearly understood and (b) that, from an economic development perspective, skills development aligns with the economic drivers of the city and key sectors;
- (ii) that Plymouth City Council take on a strategic leadership role;
- (iii) that human resources work with the Assistant Director for Development and Regeneration (Economic Development) and his team to develop a strategy for Plymouth City Council recruitment under the worklessness agenda and that the Corporate Management Team be requested to endorse this;
- (iv) that Plymouth City Council review its recruitment policies to become an exemplar employing body, by providing greater employment/work opportunities for disengaged groups e.g. young people, care leavers, young offenders and the longer term unemployed.

Anthony Payne, Director for Development and Regeneration, reported that interviews would be held shortly for the new post of worklessness co-ordinator.

Agreed that -

- (1) the recommendations of the report are welcomed as worklessness and economic inclusion are key strands identified within the Local Economic Strategy and will form a key part of Economic Development's work programme over the next 12 months;
- (2) the Economic Development Service will seek to co-ordinate worklessness issues for the City Council by ensuring consistent standards of service delivery, the development of a clear strategy, sharing of best practice and maximising resources;

- (3) an agreed strategy and implementation plan is developed for worklessness and shared with partners through the Wealthy Theme Group;
- (4) Councillor Viney and the members of the overview and scrutiny panel are thanked for their work on this issue.

10. **CABINET APPOINTMENTS**

The Director for Corporate Support submitted a schedule of appointments to be made by Cabinet to Cabinet committees and other bodies.

Cabinet Members were advised that the Schools Catering Group had ceased.

Agreed that –

- (1) the Cabinet Member for Adult Health and Social Care is substituted for the Cabinet Member for Community Services (Safer and Stronger Communities and Leisure, Culture and Sport) on the Building Schools for the Future Cabinet Committee because Councillor Brookshaw’s daughter is a teacher and has a prejudicial interest in the matters under consideration;
- (2) the following appointments are approved -

Building Schools for the Future Cabinet Committee	Councillor Mrs Watkins Councillor Bowyer Councillor Monahan Councillor Stark (observer) Councillor Wildy (observer) (any Cabinet Member can act as a substitute member).
South West Devon Joint Waste Partnership	Councillor Mike Leaves Councillor Bowyer Councillor Vincent (observer) Substitute Member Councillor Wright (observer) (any Cabinet Member can act as a substitute member).
Care and Repair Management Committee	Cabinet Member for Adult Services: Councillor Monahan
Local Strategic Partnership: Healthy Theme Group	one Cabinet Member: Councillor Monahan

Local Strategic Partnership: Wealthy Theme Group	one Cabinet Member: Councillor Fry
Local Strategic Partnership: Safe Theme Group	one Cabinet Member: Councillor Brookshaw
Local Strategic Partnership: Wise Theme Group	one Cabinet Member: Councillor Mrs Watkins
Plymouth Urban Fringes Development Plan Document Joint Member Panel	two councillors – posts of Leader and Deputy Leader: Councillor Mrs Pengelly and Fry
Tamar Science Park Ltd – Board of Directors	one Cabinet Member + one officer Cllr Fry with authority to vote on behalf of the Council at the AGM David Draffan

(3) the cessation of the Schools Catering Group is noted.

11. **JOINT FINANCE AND PERFORMANCE REPORT**

The Corporate Management Team submitted a written report.

Agreed that –

- (1) the provisional outturn position for the year is noted;
- (2) the Section 151 Officer recommended adjustments to reserves and provisions are approved as follows-
 - an increase in the insurance provision of £0.559m, £0.312m to be met from the insurance reserve and a top up of £0.247m from revenue;
 - an increase in the sundry bad debt provision of £0.352m;
 - removal of the section 117 provision of (£0.347m);
 - a transfer to the commuted maintenance reserve of £0.150m;
- (3) the £0.197m remaining in the Carefirst budget is carried forward to 2010/11 to support the project in 2010/11;

- (4) the departmental carry forwards of £0.078m, as previously approved by Cabinet, are formally ratified now the final position for the year is known;
- (5) the carry forward of the Seaside Town Grant of £0.200m, to be used for local initiatives is approved, as outlined in the report;
- (6) no departmental budget overspends are carried forward in 2009/10;
- (7) the adjusted surplus for the year of £0.638m is noted and a transfer to the waste balancing fund of £0.400m and pensions fund of £0.238m is approved.
- (8) the draft capital outturn for the year of £92.221m is carried forward, after allowing for the transfer of expenditure totalling £1.221m to revenue;
- (9) the financing requirement of £92.221m is noted and approval is given to the borrowing requirement of £32.497m 2009/10;
- (10) the provisional outturn on the housing revenue account for the year is noted;
- (11) the position on the treasury management activities for the year is noted and that a full report on the Council's performance against its borrowing and investment strategies, including the statutory performance indicators will be presented to Audit Committee on 28 June 2010;
- (12) the position regarding the Icelandic banks is noted;
- (13) the process to claim performance reward grant is noted and the proposed allocation of the grant is agreed on behalf of Plymouth City Council as the accountable body;
- (14) corporate reporting of performance and finance moves to a quarterly basis for financial year 2010/11, bringing the reporting process in line with reporting of the Local Strategic Partnership.

12. **EASTERN CORRIDOR HIGH QUALITY PUBLIC TRANSPORT SCHEME: DEEP LANE PROPOSALS**

The Director for Development and Regeneration submitted a written report.

Councillor Wigen (Cabinet Member for Transport) stressed that all the proposals were subject to government funding.

Agreed that –

- (1) the progress on the development of options for Deep Lane junction is noted;
- (2) Option B (D) is approved as the preferred option to be further developed and included within the Eastern Corridor major scheme bid;
- (3) Option C is approved as the lower cost alternative option to be further developed and included within the Eastern Corridor major scheme bid;
- (4) Juli Wileman (Major Scheme Project Manager) is thanked for handling all the comments and suggestions from the community since the start of the works at Gdynia Way.

(The order of the agenda was changed and this item was brought forward)

13. **MEDIUM TERM FINANCIAL STRATEGY 2010 - 2014**

The Director for Corporate Support submitted a written report.

Cabinet Members were advised that councillors would be kept informed of changes through the quarterly finance and performance report.

Agreed that -

- (1) the Medium Term Financial Strategy is approved for consultation with the Overview and Scrutiny Management Board and their comments, together with any implications from the budget announcement to be made on 22 June, will be brought back to Cabinet on 13 July for a recommendation to Council on 2 August;
- (2) the details contained in figure 4 (revenue forecast – resources versus spending plans, based on a 5% reduction in formula grant and a Council tax freeze) are communicated to all staff.

14. **PLYMOUTH SPORTS FACILITY STRATEGY**

The Director for Community Services submitted a written report.

The Chair referred to the recent launch, by Prince William, of a campaign to safeguard 2,012 public playing fields as part of the Queen's Diamond Jubilee celebrations. The project aims to have the fields protected by law in perpetuity by 2012. The Prince, who becomes Patron of the Queen Elizabeth II Fields Challenge, hopes to find another 1,500 or more fields to be protected and named Queen Elizabeth II Fields, and Queen Elizabeth Fields in Scotland.

Agreed that –

- (1) the Plymouth Sports Facility Strategy is adopted as the future framework for the development of sport and fitness infrastructure across the city;
- (2) the Director for Community Services identifies one of the City's playing fields for consideration under the Queen Elizabeth II Fields Challenge.

15. **OFSTED INSPECTION OF SAFEGUARDING AND LOOKED AFTER CHILDREN SERVICES**

The Director of Services for Children and Young People submitted a written report.

Agreed that –

- (1) the report of OFSTED is noted and Cabinet welcomes the considerable improvements in this service;
- (2) Councillor Mrs Bowyer, Chair of the Corporate Parenting Group, is thanked for her work with children and young people in care, including the events she has organized with the children and young people, which had resulted in an improvement in the results achieved by them in their education;
- (3) thanks are conveyed to all staff and the Council's partners for their hard work which had been recognised in this report.

16. **YOUTH JUSTICE PERFORMANCE IMPROVEMENT FRAMEWORK 2010 - 2011**

The Director of Services for Children and Young People submitted a written report.

Agreed that the Youth Justice Performance Improvement Framework Part 2, Capacity and Capability 2010/11, is endorsed for consultation.

17. **EXEMPT BUSINESS**

Agreed that under Section 100(A)(4) of the Local Government Act, 1972, the press and public are excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

CHAIR'S URGENT BUSINESS

18. **Agency Staff Procurement - contract extension (E3)**

The Director for Corporate Support submitted a written report.

The report indicated that in view of the value of the contract extension, the decision was a key decision and the agreement of the Chair of the Overview and Scrutiny Management Board has been sought to the special urgency provision.

This decision was also required urgently because the tendering process had not been concluded and the interim arrangement currently in place required an extension pending the report to Cabinet in July 2010. In accordance with the constitution, the agreement of the Chair of the Overview and Scrutiny Management Board had been sought as any delay likely to be caused by a call in, would seriously prejudice the Council's or the public interest because it would result in the Council being unable to procure temporary staff at negotiated rates and would potentially increase employment related risks.

Agreed that –

- (1) the existing contract for agency staff is extended until the 31 October 2010;
- (2) following the conclusion of the tendering process, a paper will be presented to Cabinet in July 2010 setting out recommendations for the award of the new contract which it is anticipated will commence on 1 October 2010;
- (3) the timetable for tender award and contract start is noted as set out in the report.

Note: This item has been designated as urgent in accordance with the provisions of the Constitution and is not subject to the call in procedure.

(In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above item for urgent consideration because of the need for a Cabinet decision).

CITY OF PLYMOUTH

Subject:	Local Development Framework: Adoption of Planning Obligations & Affordable Housing Supplementary Planning Document: First Review
Committee:	Cabinet
Date:	13 July 2010
Cabinet Member:	Councillor Fry
CMT Member:	Director for Development and Regeneration
Author:	Jonathan Bell, Head of Development Planning
Contact:	Tel: 01752 304353 e-mail: jonathan.bell@plymouth.gov.uk
Ref:	JAB/PIObSPD
Part:	I

Executive Summary:

Supplementary Planning Documents (SPDs) are part of the Local Development Framework (LDF) and serve to amplify policies in Development Plan Documents, such as the Core Strategy and Area Action Plans. The Planning Obligations & Affordable Housing SPD amplifies Policy CS33 (Community Benefits/ Planning Obligations) and Policy CS15 (Overall Housing Provision).

The SPD was adopted by the City Council on 1 December 2008, and a First Review of the SPD was approved by Cabinet on 15 December 2009 for consultation purposes. The consultation draft has been through a consultation process, which took place between January and February 2010. The document has now been amended taking into account the representations received, the latest national policy guidance and legislation, and in response to the experience of using the document in the planning application process. The main amendments are:

- Inclusion of a distinction between 'Plymouth Development Tariff' contributions to strategic and local infrastructure, in response to new legislation that came into effect on 6 April 2010 (the Community Infrastructure Levy Regulations 2010).
- Clarification of the nature of the Tariff, to better demonstrate its consistency with the policy provisions of Circular 05/2005 and the Department of Communities and Local Government's New Policy Document for Planning Obligations, March 2010.

- Clarification of the role of the 'negotiated element' of Planning Obligations.
- Clarification of the nature of commuted maintenance payments that can be negotiated through Planning Obligations.
- Clarification and amendment of exemptions to the Plymouth Development Tariff to achieve improved consistency with the legal framework for the new Community Infrastructure Levy.
- Amendment to the approach taken in the SPD to student housing and Houses in Multiple Occupation.
- Clarification of the process of negotiating contributions to help mitigate the impact of commercial development on the marine environment.
- Amendments to the Market Recovery Scheme to reflect current market circumstances.
- Refreshing of the associated Evidence Base document.

This report seeks the Cabinet's approval of Planning Obligations and Affordable Housing SPD: First Review, with a view to referring it to Full Council for formal adoption.

Corporate Plan 2010-2013:

The SPD directly supports the delivery of Corporate Improvement Priority (CIP) 12, which relates to the delivery sustainable growth. It forms part of the Local Development Framework, which is a key driver of the growth agenda, and will help to ensure that infrastructure needs are met as the city grows. As such, it also supports other Corporate Improvement Priorities: in particular: providing better and more affordable housing (CIP5); improving culture and leisure opportunities (CIP6); developing high quality places to learn in (CIP9); and improving access across the city (CIP11).

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

The implications of the SPD were considered in October 2008 when the Cabinet approved a tariff based approach to planning obligations (subsequently adopted by Full Council on 1 December 2008), and in December 2009 when the First Review of the SPD was approved for consultation purposes.

It is the role of the SPD to provide a framework for the negotiation of planning obligations to mitigate the impacts of development on the city and its local communities. One of the primary mechanisms for doing this is through the Plymouth Development Tariff, which enables financial contributions to be pooled to address the cumulative impacts of development on infrastructure needs.

In response to the Community Infrastructure Levy (CIL) Regulations 2010 (which came into effect on 6 April 2010) and the continuing fragility of the global and local economy, three significant changes are proposed in this report which affect the level of tariff and how it can be spent.

1. The need to distinguish between strategic infrastructure and local infrastructure, which is a prudent response to three statutory tests for planning obligations introduced in Regulation 122 of the CIL Regulations.
2. Changes to the development categories that are exempt from the tariff or elements of it.
3. The proposed removal of the automatic requirement for a viability appraisal of all developments that seek a discount under the Market Recovery Scheme that was approved alongside the Draft First Review SPD in December 2009.

The first change will have an impact on the level of tariff able to be negotiated both for strategic and local infrastructure within the city. What can be negotiated will be determined by the specific nature of the impact. For development associated with the growth of the city, contributions can be sought for strategic transport, sports/leisure and green infrastructure as appropriate. However, tariff will now only be able to be negotiated for local infrastructure relating to the neighbourhoods or sub areas of the city, such as primary schools, libraries and local green space, where there is an identifiable local need. Such tariff will need to be spent in addressing those needs. The changes proposed to ensure compliance with the CIL Regulations offer the best prospect of maximising planning obligation contributions.

The second change will affect the level of tariff able to be negotiated, particularly given the proposed exemption for affordable housing (which currently pays only transport tariff) and the revised thresholds proposed. However, the CIL Regulations now exempt affordable housing from CIL, and given that delivery of affordable housing itself is a priority for the Council, this particular exemption is now considered appropriate.

The third change may possibly lead to a reduction in the total level of tariff negotiated in the period to April 2011 (i.e. the period for which the current Market Recovery Scheme applies). However, in current market conditions it is highly unlikely that this would be significant. Experience of viability appraisals submitted to date affirms the need for discounts as set out in the approved Market Recovery Scheme. The removal of the automatic requirement for submission of viability appraisals will significantly reduce the burden on applicants and case officers and send out a very important message to businesses that the Council is firmly committed to supporting economic recovery.

It needs to be remembered that the tariff is primarily gap funding, designed to supplement other sources. It is difficult to predict the level of tariff that will be

available at any moment because it is dependent on financially viable developments coming forward to be able to generate the contributions, and there has been a significant decline in such developments during the economic downturn. The risks associated with tariff contributions to projects must therefore be acknowledged in project development. The Capital Delivery Board will play a key role in the governance of tariff spend, ensuring that funds are used in the most effective way and in accordance with the requirements of Planning legislation.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

The LDF directly supports the promotion of community safety through the provision of policies to influence the design and nature of physical development.

The SPD will help to implement the LDF Core Strategy, which was subject to Equality Impact Assessment.

The main risks associated with the SPD are:

- Impact on land values, with potential reduction in development sites coming forward in current economic downturn. This risk is being managed through the Council's adopted Market Recovery Scheme approved by Cabinet on 15 December 2009 and as amended in this report.
- Impact on development viability, given the extent of developer contributions sought. This risk is being managed through the Market Recovery Scheme.
- Impact on infrastructure providers, given that in current economic conditions it may be difficult to meet all identified planning obligation needs. This risk is being managed by implementation of the approved framework for prioritisation of planning obligations as set out in the report to the City Council on 1 December 2008. Additionally, the Capital Delivery Programme Board will take on a responsibility for ensuring that tariff funds are spent in the most effective way.

There is also a risk associated with infrastructure providers becoming overly dependent upon tariff money to help finance their projects. This particular risk needs to be addressed at programme and project management level. A Planning Obligations Forum is now established to provide an opportunity for two-way communication between the Planning Service, as custodians of the Planning Obligations process, and programme/project managers. Additionally, the Capital Delivery Board has a key role to play in managing risks through its oversight of the Council's Capital Programme.

Recommendations & Reasons for recommended action:

It is recommended that the Cabinet:

- 1 Recommend to Full Council that the Planning Obligations and Affordable Housing Supplementary Planning Document First Review be formally adopted.

Reason: To ensure that the Planning Obligations process is as efficient and effective as possible, having regard to current market conditions.

- 2 Delegate authority to the Assistant Director of Development (Planning Services) to approve the final publication version of the Supplementary Planning Document First Revision.

Reason: To ensure that the SPD is produced in a user-friendly format with appropriate illustrations and formatting.

- 3 Instruct the officers to implement as soon as practicable all the statutory procedures associated with the adoption process.

Reason: To comply with the requirements of Part 5 of the Town and Country Planning (Local Development) (England) Regulations 2004, as amended.

Alternative options considered and reasons for recommended action:

One alternative would be to defer any review of the SPD until the Council has determined whether it wishes to move into the new Community Infrastructure Levy (CIL) regime, which is now enabled by the Planning Act 2008. The CIL Regulations 2010 give local authorities that operate tariff systems 4 years to move to CIL, after which tariff-based approaches will no longer be possible.

The CIL is a new charge that local planning authorities may decide to levy on development in order to help fund infrastructure. In this sense, it has similarities to the tariff regime currently used by the Council. However, the regime itself does have some significant differences (e.g. it is arguably less flexible than a tariff regime) and requires significant further work to be able to set the levy. Additionally, the CIL Regulations 2010 only came into force on 6 April 2010 and it is unclear at this stage whether the new Government will maintain, amend or repeal them.

Therefore this alternative is not recommended at present. The preferred option is to improve the current SPD and change it to reflect the new legal framework for Planning Obligations.

Background papers:

LDF Local Development Scheme

LDF Core Strategy, adopted April 2007

LDF Planning Obligations & Affordable Housing SPD, adopted December 2008

Market Recovery Action Plan December 2008

LDF and Planning Obligations & Affordable Housing SPD evidence base documents

LDF: Annual Review of Planning Obligations and Affordable Housing SPD report to Cabinet 15 December 2009.

Planning Obligations and Affordable Housing SPD First Review Consultation Summary Report.

ODPM, Circular 05/2005, July 2005

Department of Communities and Local Government, New Policy Document for Planning Obligations, March 2010

Community Infrastructure Regulations 2010.

Sign off:

Fin	CapF1011 0001/CDR /30.06.10	Leg	JAR/10/1 52	HR	N/ A	Corp Prop	N/ A	IT	N/ A	Strat Proc	N/A
Originating SMT Member Paul Barnard, Assistant Director of Development (Planning Services)											

1. BACKGROUND

- 1.1 A Supplementary Planning Document (SPD) forms part of the suite of Local Development Framework (LDF) documents. However, it is a non statutory document and therefore is not subject to independent examination.
- 1.2 The purpose of an SPD is to amplify existing Development Plan Documents with additional explanation and guidance. However, it cannot introduce new policy.
- 1.3 The original Planning Obligations and Affordable Housing SPD was adopted by the City Council on 1 December 2008. It set the framework for the City Council to negotiate and secure planning obligations for infrastructure and affordable housing. It includes two main approaches to the negotiation of planning obligations:
 - a) The Plymouth Development Tariff – an indicative charge to secure pooled contributions to managing the impacts of development on infrastructure.
 - b) The ‘Negotiated Element’ – a bespoke part of a planning obligation, designed to tackle specific impacts for which a tariff-based approach is not appropriate, and to deliver affordable housing.
- 1.4 At the time of the SPD’s adoption, it was agreed that a process of annual review would be instigated. This process will normally be conducted as part of the LDF Annual Monitoring Report regime. However, for this first review it was considered important to take the opportunity to amend the SPD having had the experience of practical use of the document in the planning application process.
- 1.5 The First Review of the SPD was approved by Cabinet for consultation purposes on 15 December 2009. Formal consultation was undertaken between 20 January and 26 February 2010. In addition, the review process has been informed by Community Infrastructure Levy Regulations 2010 came into effect on 6 April 2010.
- 1.6 The SPD has now been amended taking into account representations received, the latest national policy guidance and legal framework, and in response to the experience of using the document in the planning application process. Once approved by Cabinet it will need to be referred to a Full Council meeting to be formally adopted.

2. ISSUES RAISED THROUGH CONSULTATION

- 2.1 A total of 26 representations were received from 13 different organisations. A full report of the representations received and officer responses is published as a background paper to this report. In summary the key issues raised were:

- a) Concerns about whether tariff should be charged in full or part for certain uses (e.g. affordable housing; student accommodation; sheltered accommodation; other C2 uses).
- b) The need to consider whether a tariff can be charged for marina developments on the basis of capacity of the site rather than floorspace.
- c) Need to clarify how maintenance contributions are justified and provided for.
- d) Concerns regarding some aspects of the Planning Obligations process (e.g. management fees; time frame for spending S106 contributions, evidence base assumptions).
- e) Concerns that the market recovery scheme is either too restrictive or too flexible.
- f) Need for more clarity on certain issues (e.g. community/cultural facilities, cross border infrastructure and evidence base).

3. IMPLICATIONS OF COMMUNITY INFRASTRUCTURE REGULATIONS 2010

- 3.1 The Community Infrastructure Levy Regulations are the outcome of a comprehensive review of the Planning Obligations process that has been running for several years. They enable local authorities to introduce a mandatory charge on developments to secure contributions to infrastructure.
- 3.2 CIL has many similarities to tariff regimes, such as that operated by this Council. However, there are also some significant differences and a considerable amount of additional evidence will be required to determine whether or not a CIL approach should be adopted for Plymouth. This work will be undertaken during the course of 2010, but in the meantime it is important that the Council makes its current tariff-based approach as effective as possible.
- 3.3 The Regulations are drafted in such a way as to encourage local authorities to move to CIL approaches sooner rather than later. In effect, if tariff-regimes have not been converted to CIL-regimes within 4 years they will become completely ineffective. However, of most significance to the present is Regulation 122 which makes it unlawful for a planning obligation to constitute a reason for granting planning permission unless it meets all of 3 statutory tests:
 - a) The obligation is necessary to make the development acceptable in planning terms.
 - b) The obligation is directly related to the development.
 - c) The obligation is fairly and reasonably related in scale and kind to the development.

The interpretation of these tests is amplified in CLG's New Policy Document for Planning Obligations, March 2010.

- 3.4 These tests are similar to the 5 policy tests of planning obligations set out in Circular 05/2005. However, their elevation to a statutory basis changes the context considerably and has immediate implications for the planning authority in its determination of planning applications. In particular, each planning obligation under consideration must be carefully evaluated to demonstrate that it complies with the 3 tests.
- 3.5 Furthermore, the SPD will need to be amended so it is clear how each component of the tariff has the potential to meet the tests. The most appropriate way to deal with this is to clearly distinguish between those elements of the tariff that relate to addressing needs at neighbourhood or other local levels (*local infrastructure*) and those elements that relate to city wide or strategic needs, including those related to the growth agenda (*strategic infrastructure*). Each tariff contribution will need to be spent according to the particular need it is addressing.

4. LESSONS FROM EXPERIENCE

- 4.1 Two additional issues have come to light in response to experience of using the SPD in the negotiation of planning obligations, relating to:
 - a) Houses in Multiple Occupation (HMOs).
 - b) The need for viability assessments as part of the Market Recovery Scheme.
- 4.2 HMOs. The consultation draft SPD includes a specific requirement to seek tariff from HMOs. Until 6 April 2010, a dwelling with not more than 6 residents living together as a single household came within Use Class C3 (Dwelling Houses). HMOs with more than 6 people were considered as a *sui generis* use in planning terms. However, the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 has now introduced a new Use Class for HMOs (C4) which includes houses with between 3 and 6 unrelated individuals sharing basic amenities. The consequence of this change is that smaller HMOs are now potentially caught by the SPD's tariff for HMOs. This has had a consequential effect too on the workload of case officers. There is need therefore to clarify the approach the Council wishes to take to HMOs, balancing the need to address the impacts of development on infrastructure with the resource implications of negotiating obligations in relation to small schemes. The clarifications proposed to the SPD are summarised in section 5 below.
- 4.3 Viability assessments. Appendix 1 of the consultation draft SPD includes a menu of possible market recovery measures which can be enacted by the Council at appropriate times. To benefit from market recovery measures, such as a discount on the tariff, the draft SPD

requires an open book viability appraisal to prove the case. However, officers now have a strong evidence from the viability appraisals submitted to date that the discounts are essential for most residential and employment developments. Furthermore, the undertaking of these assessments is an additional burden on businesses as well as a significant resource pressure on case officers. There is a need therefore for a more flexible approach to when viability appraisals are submitted. Changes proposed to the SPD are summarised below.

5. SUMMARY OF KEY CHANGES MADE TO THE CONSULTATION DRAFT SPD

Distinguishing between local and strategic infrastructure

- 5.1 This change is proposed in response to the 3 new statutory tests identified in the CIL Regulations (see para. 3.3 above).
- 5.2 Local infrastructure is defined in the revised SPD as the infrastructure necessary to make a neighbourhood or locality of the city more sustainable. In the context of the Plymouth Development Tariff it includes:
- a) Primary schools
 - b) Libraries
 - c) Local health facilities
 - d) Playing pitches
 - e) Local green space, including children play areas
- 5.3 Strategic infrastructure is defined as infrastructure that is often provided at a higher spatial level than that of the neighbourhood or locality of the city, to serve the wider needs of the city. It includes:
- a) The 'big kit' infrastructure necessary to provide for the sustainable growth of the city.
 - b) Centralised facilities (in one or more locations) that provide the critical mass necessary for providing high quality services.
 - c) Natural infrastructure (the environment) which is impacted by population growth.
- 5.4 In the context of the Plymouth Development Tariff strategic infrastructure includes:
- a) Strategic sports and leisure facilities
 - b) Strategic green space, including the marine environment
 - c) Strategic transport
 - d) City Centre public realm
- 5.5 It should be noted that contributions to strategic health infrastructure were previously sought through the Plymouth Development Tariff. However, it is felt more appropriate now to include addressing health impacts as a 'Negotiated element' (see para. 1.3(b) above). This is because there is no adequate approach available at present for

calculating the health impact of a development and so any contributions will need to be on the basis of a bespoke assessment, perhaps in response to health impact assessments.

Changes relating to student housing and HMOs

- 5.6 After a lengthy period of significant growth in student numbers in the city, growth is tailing off. In consequence the impacts associated with student accommodation and able to be attributed to development are changing. In response, it is proposed to distinguish between bespoke purpose built student housing and HMOs.
- 5.7 HMOs provide accommodation for the general population (including students), and play a part in helping to provide new housing associated with the growth of the city, thus suggesting that such developments should potentially contribute to both local and strategic infrastructure tariff.
- 5.8 On the other hand purpose built student accommodation is increasingly more about providing accommodation for the existing student population than facilitating growth. The general impacts associated with purpose built student accommodation are therefore more likely to be local in nature, suggesting that such developments contribute where appropriate to local infrastructure tariff.
- 5.9 However, see para. 5.12 below which proposed new thresholds below which tariff will not be sought.

Changes to and clarification of exemptions to pay tariff

- 5.10 The distinguishing between local and strategic infrastructure described in paras. 5.1 - 5.5 will have the automatic implication of exempting developments from contributing tariff where there is not a clearly identifiable need. For example, where local infrastructure is adequate and will be for the foreseeable future there would be no case for negotiating tariff contributions to local infrastructure improvements. Sections of the previous SPD which sought to double-guess where such exemptions might be are therefore now unnecessary.
- 5.11 Notwithstanding this, there is still a need to clearly identify certain types of development that will be exempt from paying tariff and the following list is proposed, having regard to the CIL Regulations and consideration of representations made through the consultation:
- a) Developments by charitable institutions for charitable purposes (this is one of the exemptions proposed in the CIL Regulations)
 - b) Affordable housing developments by Registered Social Landlords (this too is a CIL exemption).

- c) Development of public infrastructure of the nature that, at least hypothetically, could have been funded in part through tariff contributions.
- d) Community and voluntary sector development.
- e) Use Class D1 - non-residential institutions (currently exempt in the SPD).

5.12 Additionally, amendments to the thresholds for paying tariff are proposed to exempt smaller developments. This is in response to the resource management implications of negotiating planning obligations as well as to reduce burdens on small businesses and developments. A new threshold is proposed for residential developments of five houses or, in the case of HMOs and other forms of residential accommodation, of ten bed spaces. In effect this will make permanent the temporary exemption for new dwelling houses currently provided through the 2010/11 Market Recovery Scheme.

5.13 It should be noted that exemption from the tariff does not mean that there will never be circumstances where a planning obligation needs to be negotiated. There will still be occasions where a bespoke Section 106 agreement is needed through the 'Negotiated Element' provisions (see para. 1.3(b) above). Given the changed context for the tariff described in this report, it is proposed to remove the thresholds currently in the SPD relating to when a Negotiated Element might be sought, with the exception of the threshold that is currently in place for Affordable Housing (this is set by the Core Strategy and therefore cannot be changed by an SPD).

Clarification of how commuted maintenance payments are determined through the SPD

5.14 An amendment is proposed to clarify that the tariff essentially contributes to infrastructure improvement and development costs of the City Council and other (primarily public sector) partners who will deliver this infrastructure.

5.15 Commuted payments for maintenance arise where the developer is providing infrastructure directly (e.g. a green space) and wishes the Council to adopt that infrastructure. Commuted maintenance payments are therefore 'Negotiated Elements' rather than part of the tariff.

Inclusion of 'Negotiated Element' relating to marine developments / commercial developments with impact on European Marine Site

5.16 A new section has been added, which will provide a basis for negotiating provisions where development causes an adverse impact on the European Marine Site.

Amendment to market recovery measures appendix

- 5.16 It is proposed to remove the automatic requirement for there to be a viability appraisal in order to benefit from market recovery scheme incentives. A more flexible approach is now advocated which enables judgements to be made about the need for a viability appraisal on the basis of the Council's current understanding of viability issues and the strategic importance and impacts of the development.

Other amendments

- 5.17 Other amendments have been made to:
- a) Improve the clarity and user-friendliness of the SPD.
 - b) Better explain the justification for tariff contributions to infrastructure, particularly having regard to the policy provisions of Circular 05/2005 and the Department of Communities and Local Government's New Policy Document for Planning Obligations, March 2010.
 - c) Clarify the role of the 'Negotiated Element' so that it is limited to addressing issues that the tariff itself does not address.
 - d) Update any out-of-date information, particularly in relation to affordable housing.
 - e) Refresh the evidence base document which supports the SPD.

6. NEXT STEPS AND CONCLUSION

- 6.1 Subject to Cabinet approval the SPD will go before Full Council on 2 August 2010. Subject to Full Council's approval, the document will be adopted. An Adoption Statement will then be produced and this, together with the SPD, will be made available in the Council offices and sent to all those who sent in representations about the draft SPD.

Planning Obligations and Affordable Housing SPD First Review 2010

Chapter 1 Introduction

Purpose of the Supplementary Planning Document

- 1.1 This Supplementary Planning Document (SPD) sets out the City Council's approach to planning obligations and affordable housing when considering planning applications for development in Plymouth. New development has a cumulative impact on infrastructure and often creates a need for additional or improved community services and facilities without which the development could have an adverse effect upon amenity, safety or the environment.
- 1.2 The objective of the SPD is to provide clarity to developers, planners, stakeholders and local residents regarding the basis on which planning obligations and affordable housing will be sought. It will assist in implementing local objectives in respect of the provision of sustainable development across the city by contributing towards the delivery of the Plymouth Adopted Core Strategy.
- 1.3 The SPD provides detailed guidance to supplement the Core Strategy for all those involved in the submission and determination of planning applications where planning obligations will be required. It also details the type of obligations that may be required, thresholds where appropriate and indicates the relative importance that the Council might place on the varying types of obligation in different parts of Plymouth.
- 1.4 Specific information on formulae and how contributions have been calculated are contained in a separate document (Plymouth's Planning Obligations Evidence Base) which is available at www.plymouth.gov.uk.
- 1.5 In order to speed up the planning process and to assist applicants, model heads of terms for S106 agreements and unilateral undertakings are available on request or on the Council's website (www.plymouth.gov.uk).
- 1.6 The SPD forms part of the package of Local Development Documents (LDDs) which comprise the Plymouth Local Development Framework (LDF), required under the Planning and Compulsory Purchase Act 2004. It assists the Council in securing local, sub-regional, regional and national objectives in respect of sustainable development. It is an important material consideration in the determination of planning applications.

Implementation of the SPD

- 1.7 The SPD will be monitored closely, and updated where appropriate, to respond to evidence relating to the delivery of key infrastructure for the growth of Plymouth and the improvement of neighbourhoods.

1.8 In addition, where there is robust evidence of market failure in relation to delivery of development, the Council may introduce temporary measures to stimulate the market's recovery. The Council will select the most appropriate measures from the 'menu' set out in Appendix 1. The measures will be enacted by resolution of the Council's Cabinet and clearly publicised at the time.

National policy context

1.9 PPS1 requires Planning Authorities to ensure that social inclusion, economic development, environmental protection and the prudent use of resources are at the forefront of policy making and implementation. These considerations have formed an important element of producing this draft document.

1.10 National planning policy on planning obligations specifically is set out in Circular 05/2005 and is currently being amended, with a New Policy Document for Planning Obligations published for consultation in March 2010.

1.11 Circular 05/2005 appreciates that the planning system operates in the public interest and should aim to foster sustainable development, providing homes, investment and jobs in a manner which positively intervenes in the quality and condition of the physical and built environment. The Council draws attention to the following provisions which have helped inform its current approach to planning obligations particularly in relation to the Plymouth Development Tariff:

- Where the combined impact of a number of developments creates the need for infrastructure, local planning authorities are able to pool developer contributions to allow for infrastructure to be secured in a fair and equitable way (para. B21).
- Contributions can be sought where there is an existing infrastructure capacity problem (para. B15), where infrastructure has already been provided to meet the cumulative impacts of development (para. B23), and where there is a likelihood of there being a capacity problem in the future (Para B22). In this respect, the Circular seeks to avoid the problem of any spare capacity in existing infrastructure being credited to earlier developments.
- Contributions can be used to address the cumulative impacts of growth, particularly where there is a Growth Agenda (paras. B21, B22, B29).
- Contributions can be used to address the environmental mitigation arising as a result of growth (paras. B16 & B21)
- Local planning authorities are encouraged to use formulae and standard charges as quantitative indications of the level of contributions likely to be sought where appropriate (para. B33).
- These charges should not be applied in blanket form regardless of the actual impacts (para. B35).

1.12 Since April 2010 Local Authorities have the option of introducing a Community Infrastructure Levy (CIL) which is a mandatory standard charge on development to pay for infrastructure to support development

of an area. The CIL will ultimately replace tariff regimes, but it is for the Council to consider whether to adopt such an approach or to revert to a more bespoke approach to planning obligations. It will be considering this matter during the course of 2010 and 2011.

1.13 Regulation 122 of the Community Infrastructure Levy Regulations 2010 makes it unlawful for a planning obligation to constitute a reason for granting planning permission unless it meets all of three statutory tests:

1. The obligation is necessary to make the development acceptable in planning terms. This means that planning obligations should be used to make development acceptable which would be otherwise unacceptable in planning terms in accordance with published local, regional or national planning policies.
2. The obligation is directly related to the development. This means that there should be a functional or geographical link between the development and the item being provided as part of the agreement.
3. The obligation is fairly and reasonably related in scale and kind to the development. This means that developers may reasonably be expected to pay for or contribute towards the cost of additional infrastructure provision which would not have been necessary but for their development. A reasonable obligation should at least seek to restore facilities, resources and amenities to a quality equivalent to that existing before the development.

1.14 These replace the five tests set out in Circular 05/05 for a development, or any part of a development, that is capable of being charged CIL. The SPD sets out how each of its planning obligation element has the potential to meet each test, but each planning obligation will also need to be justified on its own merits.

Local policy context

1.15 The Core Strategy sets out the policy framework for planning obligations and affordable housing. Policy CS33 of the Core Strategy below sets out the Council's policy on planning obligations.

Policy 1

Community Benefits/Planning Obligations - CS33

Where needs arise directly as a result of development, the Council will seek to secure planning obligations or agreements pursuant to Section 106 of the Town and Country Planning Act 1990 that makes a positive contribution to creating a city of sustainable linked communities. Through such obligations and agreements, the Council will seek to ensure that development proposals:

- Meet the reasonable cost of new infrastructure made necessary by the proposal, including transport, utilities, education, community facilities, health, leisure and waste management.

- Where appropriate, contribute to the delivery of strategic infrastructure to enable the cumulative impacts of developments to be managed in a sustainable and effective way and support the delivery of the City Vision.
- Offset the loss of any significant amenity or resource through compensatory provision elsewhere.
- Provide for the ongoing maintenance of facilities provided as a result of the development.

1.16 This SPD provides further detail on the implementation of this policy.

Para. 16.11 of the Core Strategy distinguishes between the need for planning obligations to deal with strategic issues in support of the City's growth vision (including the need for major new sports and transport infrastructure) and local needs (such as schools and playing pitches). Additionally para. 16.8 sets out a wide range of matters that will be covered by planning obligations, including:

- Affordable housing
- Education provision
- Community facilities and community safety
- Local labour and training initiatives
- Commuted payments for maintenance of facilities provided
- Highway infrastructure
- Pedestrian, cycle way, and public transport initiatives
- Nature conservation and wildlife mitigation measures, including in relation to the coastal environment
- Public art
- Public realm provision
- Recreation provision, including public open space, play and sports provision
- Offsetting carbon emissions through contributions to renewable energy or energy efficiency schemes / measures.

1.17 This list of planning obligation types has been used as the starting point for this SPD and has not been considered definitive.

1.18 The Core Strategy also provides the policy context for affordable housing across the City. The policy below sets out the requirement for affordable housing:

Policy 2

Overall Housing Provision - CS15

At least 10,000 new dwellings will be built in the plan area by 2016 and at least 17,250 by 2021, of which at least 3,300 will be affordable being delivered through the planning system. They will include a mix of dwellings types, size and tenure, to meet the needs of Plymouth's current and future population. In relation to private sector developments on qualifying developments of 15 dwellings or more, at least 30% of the total number of dwellings should be

affordable homes, to be provided on site without public grant (subject to viability assessment). In addition:

- Affordable housing development will: be indistinguishable from other development on the site, reflect the type and size of the development as a whole, incorporate a mix of tenures including social rented accommodation.
- Off site provision or commuted payments for affordable housing will be acceptable provided it is robustly justified and contributes to the creation of balanced, mixed and sustainable communities.
- Conversions of existing properties into flats or houses in multiple occupation will be permitted only where the gross floor area of the property is more than 115sq.m., where the accommodation provided is of a decent standard, and where it will not harm the character of the area having regard to the existing number of converted and non-family dwellings in the vicinity.
- 20% of all new dwellings will be built to "Lifetime Homes" standard.
- All new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers and respect the privacy and amenity of existing occupiers

1.19 Affordable Housing is one of the most important issues to be addressed through the LDF and one of the greatest determining factors on the development viability of a development site. For more information on Affordable Housing please turn to Chapter 5.

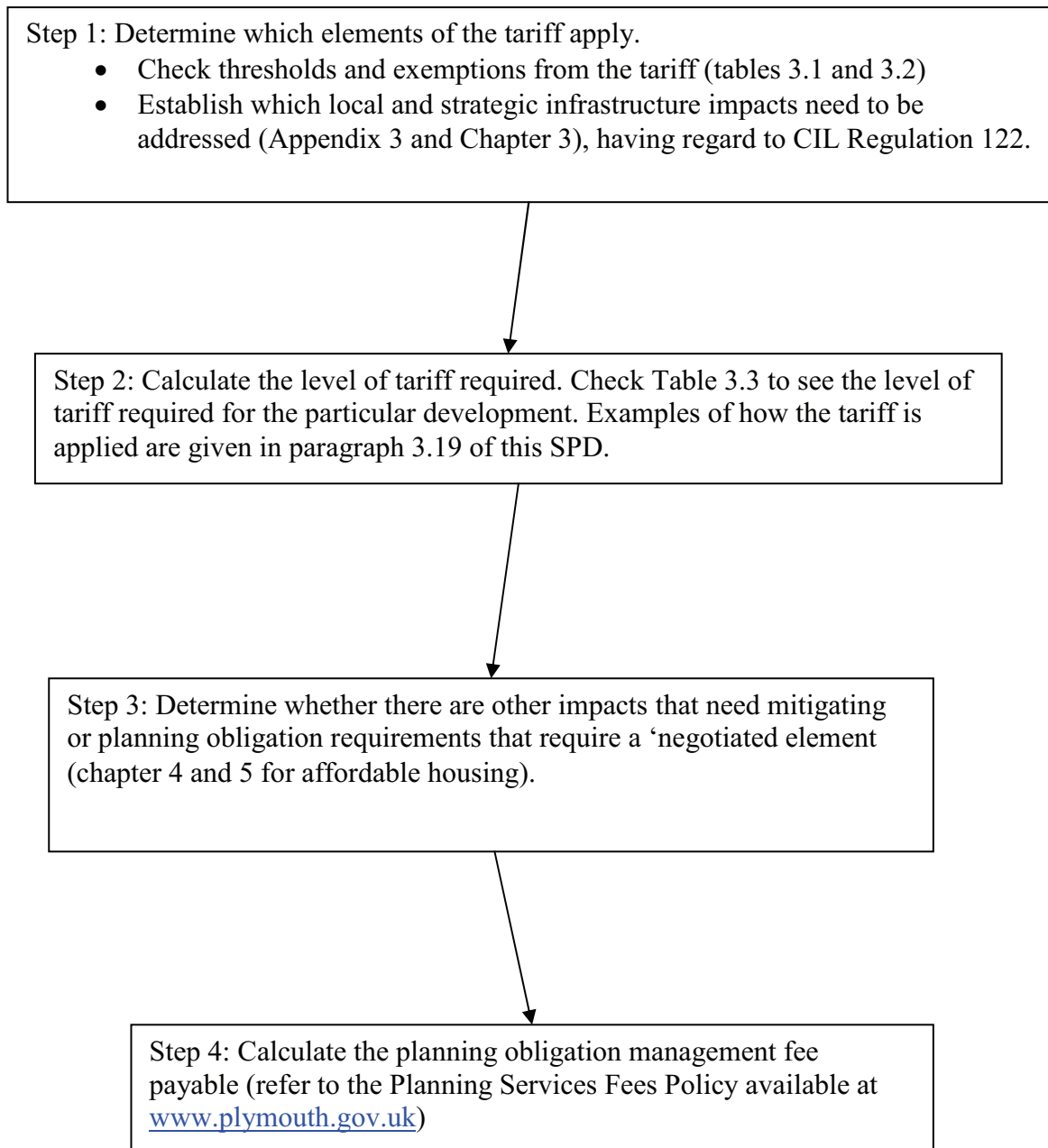
Chapter 2 Planning Obligation Framework

2.1 The Council's approach to planning obligations is based on two primary elements: the 'Plymouth Development Tariff', to address the cumulative impacts of development on infrastructure needs, and a bespoke 'Negotiated Element' to address any specific impacts or planning obligation requirements that are not covered by the Tariff. However, it is the Council's intention to limit as far as possible the need for a Negotiated Element and to address infrastructure implications of development, where possible, through the Tariff. Both will be implemented through standard Section 106 Agreements or Unilateral Undertakings.

2.2 Figure 2.1 overleaf provides a guide to using the SPD so as to determine the level of planning obligations required in relation to a particular development.

Applicants should check with the Council whether any Market Recovery schemes are in place at the time of the applications which affects the level of tariff and planning obligations required. Please refer to Appendix 1 in the first instance.

Figure 2.1 The process for assessing and calculating planning obligations¹



¹ Applicants should check with the Council whether any market recovery schemes are in place at the time of the application, which affect tariff payments and planning obligations. The Market Recovery Scheme is published on the Council's website.

Chapter 3 The Plymouth Development Tariff

- 3.1** The Plymouth Development Tariff is a formula-based standard charge which is calculated on a dwelling size (number of bedrooms) or gross internal floorspace (sq m) basis. It reflects the calculated impact of different types of development on different planning obligation matters. The tariff provides a greater clarity and certainty for the development industry whilst securing valuable contributions to mitigate the impact of new development and support the City's objective of developing in a sustainable way.
- 3.2** The tariff represents an indicative figure and will not be applied in blanket form, regardless of the actual impacts of the development. It is a basis for negotiation, having regard to the merits of each case.
- 3.3** This chapter sets out the detail of the Plymouth Development Tariff. Specifically, it identifies:
- What the tariff contributes towards;
 - The developments which are required to contribute;
 - The level of contribution developments may be required to make;
 - How the tariff will be spent.

What does the tariff contribute towards?

- 3.4** The Plymouth Development Tariff seeks contributions to address the cumulative impacts of development on both local and strategic infrastructure.
- 3.5** Local infrastructure is defined here as infrastructure that is necessary to make a neighbourhood or locality of the city more sustainable. In the context of the Plymouth Development Tariff it includes:
- a. Local schools
 - b. Libraries
 - c. Local health facilities
 - d. Playing pitches
 - e. Local green space and children's play areas
- 3.6** Strategic infrastructure is defined here as infrastructure that is often provided at a higher spatial level than that of the neighbourhood or locality of the city, to serve the wider needs of the city. It includes the 'big kit' infrastructure necessary to provide for the sustainable growth of the city; centralised facilities (in one or more locations) that provide the critical mass necessary for providing high quality services; and natural infrastructure (the environment) which is impacted by population growth.

In the context of the Plymouth Development Tariff strategic infrastructure includes:

- a. Strategic sports and leisure facilities
- b. Strategic green spaces
- c. The European Marine Site
- d. Strategic transport
- e. City Centre public realm.

3.7 In the future the Council may expand the list of contributions included in the Plymouth Development Tariff.

Which developments are required to contribute?

3.8 The Plymouth Development Tariff potentially affects most new developments. Exceptions to this are identified below.

3.9 Firstly, some types of development are exempt from the Plymouth Development Tariff because they fall below a threshold which the Council has set to ensure an efficient use of Council resources and to reduce burdens on small businesses and developments. These thresholds are identified in Table 3.1 below.

Table 3.1 Plymouth Development Tariff thresholds

Type of development	Threshold below which tariff is not sought
Residential developments (C3 Use Class)	5 dwellings
Other forms of residential development (including HMOs, purpose built student accommodation and residential institutions)	10 bed spaces
Other developments (including commercial, retail, hotel, leisure or non residential <i>sui generis</i> uses)	500 sq m gross internal floorspace

3.10 In relation to planning applications for non-residential developments comprising multiple units, the tariff will be calculated on the basis of the cumulative gross internal floorspace for the applications as a whole. Where a development exceeds the threshold, tariff will be applied to the whole development and not just that part which is above the threshold level.

3.11 The thresholds may occasionally be increased as part of Market Recovery Schemes (see Appendix 1). Market Recovery Schemes in place will be publicised on the Council's website (weblink).

3.12 Secondly, some types of development are exempt from the Plymouth Development Tariff to achieve consistency with the Community Infrastructure Levy exemptions and given wider public benefits. These exemptions are identified in Table 3.2 below:

Table 3.2 Exemptions from Plymouth Development Tariff

Type of development	Exemption from tariff
Developments by charitable institutions for charitable purposes	Exempt from all tariff
Affordable housing developments by Registered Social Landlords	Exempt from all tariff
Development of public infrastructure of the nature that, at least hypothetically, could have been funded in part through tariff contributions	Exempt from all tariff
Community and voluntary sector development	Exempt from all tariff
Use Class D1 (non-residential institutions)	Exempt from all tariff

3.13 In addition, the requirements of the tariff will only be applied where the planning obligation satisfies the three statutory tests of the CIL Regulations (see para. 1.13 above). So for example, sheltered housing or purpose built student accommodation will not be required to contribute towards education because these proposals are unlikely to have an impact on schools infrastructure.

3.14 Exemption from tariff does not mean that a planning obligation will not be sought as part of a negotiated element agreement. There may be direct impacts of such significance that still justify a planning obligation to make the development acceptable in planning terms.

3.15 Appendix 3 includes a guide as to when the provisions of the tariff are likely to apply to each Use Class.

How much will the tariff cost per residential dwelling and commercial sq m?

3.16 Table 3.1 overleaf sets out the indicative costs of the Plymouth Development Tariff per residential dwelling unit / bed spaces and per 100 sq m of all other development floorspace. The cost per residential dwelling varies by dwelling size to reflect the increase in household size and therefore the likely increased impact of greater population generation.

3.17 To calculate the potential level of tariff payable on a residential development, developers should input the number and size of residential units. In the case of HMOs, student housing and other residential developments they should input the number of bed spaces. For other developments they should input the gross internal floorspace area. This will then provide a calculation of the value of the Plymouth Development Tariff Charge.

3.18 A calculator table can be found on the City Council's website at www.plymouth.gov.uk. Applicants should check with the Council if any discounts or flexible arrangements are available as part of enacted market recovery schemes (see para 1.8 and Appendix 1). See Appendix 3 for guidance on which tariff elements apply to developments by Use Class. Information about how the tariff has been calculated is set out in the accompanying Plymouth Planning Obligations Evidence Base document

Development Size/ Enter no of units or square metres *	Number of Units/ Bed Spaces							Square Metres	
	1 bedroom unit	2 bedroom flat	2 bedroom house	3 bedroom unit	4 bedroom unit	5+ bedroom unit	Per bed space	Per Retail 100 Sq m	Per Commercial 100 Sq m
Local infrastructure									
Schools	£0	£2,083.69	£2,083.69	£2,696.54	£3,064.25	£3,064.25	£0	£0	£0
Health	£222	£310	£408	£437	£475	£522	£167	£0	£0
Libraries	£112	£156	£206	£226	£238	£263	£84	£0	£0
Green space	£325.58	£455.33	£599.76	£641.38	£697.68	£766.22	£244.80		
Children's play space	£233	£325.9	£429.2	£459.02	£499.3	£548.4	£175.19	£0	£0
Playing pitches	£590.60	£825.95	£1087.95	£1163.44	£1265.57	£1389.91	£444.06	£0	£0
Strategic infrastructure									
Green space	£726.19	£1015.58	£1337.27	£1430.55	£1556.13	£1709.01	£546.01	£0	£0
European Marine Site	£17.16	£23.99	£31.6	£33.93	£36.76	£40.38	£12.90	£0	£0
Sports facilities	£464	£649	£855	£914	£994	£1092	£349	£0	£0
Public realm	£55	£77	£102	£109	£119	£130	£41	£0	£0
Transport	£2,871	£3,589	£3,589	£4,307	£5,025	£5,743	£2,208	£5,606	£2,189
TARIFF SUB TOTAL	£5,616.53	£9,511.44	£10,729.47	£12,417.86	£13,970.69	£15,268.17	£4,271.96	£5,606.00	£2,189.00
Management fee	Reviewed annually and published in Planning Service's Fees Policy; applies to all Section 106 Agreements, see para. 6.21								
TOTAL DEVELOPER CONTRIBUTION	Total tariff + Management fee.								

Table 3.3: Indicative Standard Charges for Plymouth Development Tariff.

3.19 The tariff will seek to address the net increase in impact arising from the development. This can normally be assessed by subtracting the tariff that would have applied to the existing development from the total tariff calculated for the new development. This is illustrated in the worked examples below. However, this is only a general rule as factors such as the qualitative difference between existing and proposed development may be relevant. (e.g. changes within the same Use Class where the new development is of an entirely different quality and therefore has much wider impacts per sq.m. floorspace). Such cases will need to be considered on their particular merits.

Example 1: demolition of two five bedroom houses (C3) and construction of ten, two bedroom flats (C3).

Refer to Appendix 3 of this SPD for a guide to Plymouth's approach to planning obligations for this Use Class and to Figure 2.1 for the steps that should be followed.

Step 1: determine whether the development is liable to pay tariff, and which elements of the tariff are required. Only the parts of the tariff that meet the three tests of CIL Regulation 122 can be charged. This will be determined on a case by case basis. Appendix 3 shows that for C3 uses each of the strategic infrastructure tariffs are applicable as the proposal increases the city's housing stock. It also shows that some local infrastructure tariffs are applicable and others may be, depending on the location of the development. In the case of this C3 example, it is assumed that all tariff elements are required.

Local infrastructure requirements	Strategic infrastructure requirements
Schools ✓	Green space ✓
Health ✓	European Marine Site ✓
Libraries ✓	Sports facilities ✓
Green space ✓	Public realm ✓
Children's play space ✓	Transport ✓
Playing pitches ✓	

Step 2: to calculate the tariff payable, refer to Table 3.3 for tariff levels. The tariff for the proposed development (ten two bedroom flats), if all tariff elements apply, is $£9,511 \times 10 = £95,110$.

The full tariff required for the existing development (two 5-bedroom houses) is $£15,268 \times 2 = £30,536$.

The tariff contribution for this development would be the difference between the existing development and proposed development ($£95,110 - £30,536$) = $£64,574$.

Step 3: The need for a negotiated element will be determined on a case by case basis and will normally apply where there are impacts that need mitigating which are not addressed by the tariff.

Step 4: A planning obligation management fee will be charged (see paragraph 6.20). This is set out in the Planning Services Fees Policy (www.plymouth.gov.uk).

Example 2: mixed use development of 4,000 square metres (gross internal floor space) consisting of 3,700 square metres of offices (B1 use class) and 300 square metres of retail (A1 use class) on street level.

Step 1: determine whether the development is liable to pay tariff and which elements of the tariff are required. Only the parts of the tariff that meet the three tests of CIL Regulation 122 can be charged. This will be determined on a case by case basis. In the case of this example, the only tariff requirement is for strategic transport.

Local infrastructure requirements	Strategic infrastructure requirements
Schools x	Green space x
Health x	European Marine Site x
Libraries x	Sports facilities x
Green space x	Public realm x
Children's play space x	Transport ✓
Playing pitches x	

Step 2: to calculate the tariff payable, refer to Table 3.3 for tariff levels. The tariff for the proposed development is £2,189 per 100 square metres of offices and £5,606 per 100 square metres of retail. (Note: Although the retail provision is less than 500 square feet which is the threshold for stand-alone retail projects, it is part of a mixed use development and is therefore not considered to be below the threshold.)

The full tariff required for the development is (37 x £2,189 for the office space) + (3 x £5,606 for the retail space) = £97,211.

Step 3: The need for a negotiated element will be determined on a case by case basis and will normally apply where there are impacts that need mitigating which are not addressed by the tariff.

Step 4: A management fee will be charged. This is set out in the Planning Services Fees Policy (www.plymouth.gov.uk).

How will the tariff be spent?

3.20 In all cases the tariff will be spent addressing the need to which it contributes. This means that local infrastructure contributions will be spent on the specific local need arising from the development, and strategic infrastructure contributions will be spent on strategic needs arising. The Council's governance framework for implementing planning obligations will provide safeguards to ensure that tariff money is spent in accordance

with this principle. Each planning obligation is individually identified by a unique code in the Council's financial records in order to be able to track precisely how the money is spent.

- 3.21** The following paragraphs take each planning obligation matter in turn, setting out the justification for its inclusion within the Plymouth Development Tariff against the three tests in Regulation 122 of the CIL Regulations 2010. More information on the setting of tariff levels in relation to these matters can be found in Plymouth's Planning Obligations Evidence Base Document, July 2010. This can be viewed on the Council's website www.plymouth.gov.uk.

Local schools tariff

- 3.22** Primary schools are local infrastructure in that their need is generated at a local level. Where tariff is collected, it will therefore need to be spent in the relevant local area, and this will be ensured through the Council's governance arrangements for authorising tariff spend.
- 3.23** It is the Council's vision to ensure the highest quality opportunities exist in education, learning and training, improving school performance and raising aspirations and standards of achievement for all age groups. The Core Strategy SO9 (Delivering Educational Improvements) and CS14 (new Education Facilities) set a spatial planning framework for education which will support positive improvements to school provision in Plymouth as outlined in the School Implementation Plan 2005 – 2015 and the Investment for Children: Strategy for Change.
- 3.24** Education infrastructure is an integral part of new residential development and is an important element in achieving sustainable communities. The justification for requiring obligations in respect of educational facilities is set out in Circular 05/2005 (Para B15), which identifies that "if a proposed development would give rise to the need for additional or expanded infrastructure which is necessary in planning terms and not provided for in the application it might be acceptable for contributions to be sought towards this additional provision through a planning obligation".
- 3.25** Core Strategy Policy CS33 (Community Benefits/ Planning Obligations) requires that developments must meet the reasonable cost of new infrastructure made necessary by the proposal, and this specifically identifies education as one of the areas of infrastructure.
- 3.26** For the time being tariff is only charged for primary schools. Many primary schools in the city are at capacity now or will reach capacity during the course of the Core Strategy plan period (2006-2021) without further investment. Planning obligations are therefore going to be necessary in many cases to make the development acceptable in planning terms, satisfying Test One of the CIL Regulations (Regulation 122).
- 3.27** There is a clear functional and geographical relationship between a development which is likely to accommodate families with young children

and a need for places in a local school. Planning obligations are therefore likely to be directly related to the development, satisfying Test Two of the CIL Regulations (Regulation 122).

- 3.28** The local schools tariff calculation is based upon the number of pupils generated by dwellings of different sizes, and cost multipliers based on the cost per pupil for additional pupil places, as set out in Plymouth's Planning Obligations Evidence Base document. This approach means that planning obligations are likely to be fairly and reasonably related in scale and kind to the development, satisfying Test Three of the CIL Regulations (Regulation 122).
- 3.29** At some stage in the future the Council may collect contributions for strategic education infrastructure, such as secondary schools, which have much wider catchments and are substantially affected by parental choice. But this will probably be considered as part of our review of whether or not to proceed into a full Community Infrastructure Levy process.

Local health tariff

- 3.30** Primary healthcare facilities such as GP surgeries are primarily local infrastructure in that their need is generated at the local level. The Plymouth Development Tariff contribution towards primary health facilities is therefore a local infrastructure requirement. Where tariff is collected, it will therefore need to be spent in the relevant locality, and this will be ensured through the Council's governance arrangements for authorising tariff spend.
- 3.31** The Plymouth Primary Care Trust provides a network of primary care facilities and services throughout the city. The Council recognises the social benefits of the provision of excellent primary healthcare facilities to the community. New residential developments put pressure on existing health facilities and cumulatively create the need for additional facilities and services.
- 3.32** Government guidance as contained within Circular 05/2005 para. B15 states that "if a proposed development would give rise to the need for additional or expanded community infrastructure which is necessary in planning terms and not provided for in an application, it might be acceptable for contributions to be sought towards this additional provision through a planning obligation."
- 3.33** The Core Strategy's Strategic Objective 15 (Delivering Community Well-being) focuses on improving the city's healthcare facilities and ensuring that the potential health impacts of development are identified and addressed at an early stage in the planning process.
- 3.34** The SPD supports the implementation of the aims of the Public Health Development Unit (PHDU) that works to improve and protect the health and well-being of the population of Plymouth. This includes the inter-agency 'Healthy Plymouth Strategy', which is the city-wide framework agreed by the Local Strategic Partnership that aims to reduce health inequalities across Plymouth and inform, influence and challenge partners to improve health and well-being in Plymouth.

- 3.35 A number of primary care facilities will require new investment to cope with pressures arising from the growth of the city. In these localities, planning obligations are likely to be necessary to make the development acceptable in planning terms, satisfying Test One of the CIL Regulations (Regulation 122).
- 3.36 There is a clear functional and geographical relationship between a development which is likely to generate demand for primary healthcare services and a planning obligation which seeks to address that demand in the local area. Such planning obligations are therefore likely to be directly related to the development, satisfying Test Two of the CIL Regulations (Regulation 122).
- 3.37 The local health tariff calculation is based upon a standard of provision per population and a capital cost per sq m as set out in Plymouth's Planning Obligations Evidence Base document. This approach means that planning obligations are likely to be fairly and reasonably related in scale and kind to the development, satisfying Test Three of the CIL Regulations (Regulation 122).

Libraries tariff

- 3.38 Libraries are primarily local infrastructure in that their need is generated at a local level. The Plymouth Development Tariff contribution towards libraries is therefore a local infrastructure requirement. Where tariff is collected, it will therefore need to be spent in the relevant locality, and this will be ensured through the Council's governance arrangements for authorising tariff spend.
- 3.39 The Library Service needs to provide a network of well stocked local libraries throughout the city with the Central Library at the hub. It is therefore reasonable to expect developers to contribute towards the costs of library infrastructure where the need arises directly from the development.
- 3.40 Government Circular 05/05 (para. B15) is concerned with using planning obligations to mitigate the impact of a development. It states that: "Where a proposed development would, if implemented, create a need for a particular facility that is relevant to planning but cannot be required through the use of planning conditions it will usually be reasonable for planning obligations to be secured to meet this need".
- 3.41 The Core Strategy's Strategic Objective 2 (Delivering the City Vision), amongst other matters, seeks to create "sustainable linked communities - where people enjoy living and where the full range of local services and facilities are provided". It also seeks to provide "exceptional shopping, cultural, education and health facilities". Policy CS33 (Community Benefits/ Planning Obligations) requires that developments must meet the reasonable cost of new infrastructure made necessary by the proposal, and this identifies community facilities (which includes libraries) as one of the areas of infrastructure.
- 3.42 A number of libraries in the city will require new investment to cope with pressures arising from the growth of the city. In these localities, planning

obligations are likely to be necessary to make the development acceptable in planning terms, satisfying Test One of the CIL Regulations (Regulation 122).

3.43 There is a clear functional and geographical relationship between a development which is likely to generate demand for library services and a planning obligation which seeks to address that demand in the local areas. Such planning obligations are therefore likely to be directly related to the development, satisfying Test Two of the CIL Regulations (Regulation 122).

3.44 The libraries tariff calculation is based upon a recommended minimum library floorspace standard of 30 sq m per 1000 population, alongside a national cost calculator, adjusted to reflect building costs in the South West as set out in Plymouth's Planning Obligations Evidence Base document. This approach means that planning obligations are likely to be fairly and reasonably related in scale and kind to the development, satisfying Test Three of the CIL Regulations (Regulation 122).

Green space, children's play areas and Plymouth Sound and Estuaries European Marine Site (EMS) tariffs

3.45 Green spaces and play spaces are integral to the life of the city – they provide breathing space and are crucial to the successful functioning of the city's neighbourhoods. They are places to relax and enjoy the natural environment away from the stresses of everyday life, to take children to play, and for exercise. Green spaces and play spaces are also important for people's health and well-being, both physical and mental, and for reducing the negative effects of climate change. New residential development creates the need for local green spaces and play spaces that meet day to day needs and for strategic green space including the EMS that provides a city-wide amenity. This part of the tariff therefore covers both local and strategic infrastructure elements.

3.46 The local infrastructure elements are:

- Children's play space
- Local green space

3.47 These spaces are crucial for creating sustainable neighbourhoods with high quality of life. Where tariff is collected for local green space and play space, it will therefore need to be spent in the relevant locality, and this will be ensured through the Council's governance arrangements for authorising tariff spend.

3.48 The strategic infrastructure elements are:

- Strategic green space
- Local Nature Reserves

- Allotments
- Plymouth Sound and Estuaries EMS.

- 3.49** These types of green infrastructure are crucial for the overall sustainability of Plymouth's growth. The Plymouth Green Infrastructure Delivery Plan and Green Space Strategy acknowledge the need for major city and sub-regional green spaces and strategic green infrastructure investments to support the Plymouth Growth Agenda in the context of sustainable environmental management (including responding to pressures on Dartmoor National Park and the nearby Areas of Outstanding Natural Beauty). The Green Space Strategy also recognises the importance of local nature reserves to the city's biodiversity and allotments for the health and wellbeing of the population.
- 3.50** Furthermore, as a waterfront city, the coastal and estuaries environment is a critical aspect of Plymouth's 'green' resource. The Tamar Estuaries Complex is recognised as a European Marine Site (EMS), being of European importance for the biodiversity that it supports. It is designated as a Special Area of Conservation (SAC) and parts are also designated as a Special Protection Area (SPA). The need to address these strategic issues was identified as of key significance in the Habitat Regulations Assessment of the Core Strategy.
- 3.51** Planning obligations have an important role to play in ensuring that the green infrastructure impacts and needs of new development are met. Specific national policy support for using planning obligations in this way can be found in Circular 05/2005 (Para B15) and Planning Policy Guidance Note 17 (PPG17) (Paras 23 & 33), the latter of which states that "Planning obligations should be used where appropriate to seek increased provision of open spaces and local sports and recreational facilities, and the enhancement of existing facilities". Para. 33 also states that "Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs".
- 3.52** Plymouth's Green Space Strategy sets out standards and targets to protect and improve the quantity, quality and accessibility of green space in the city. Objective GSS01 sets a target of 5.09 hectares of accessible green space per 1000 population. While it is not feasible for every neighbourhood in the city to achieve this standard, many neighbourhoods in the city currently fall well below this target. Objective GSS06 sets a target that everyone should have an accessible green space within 400m of where they live and work, while Objective GSS07 sets a target that everyone should have a play space within 600m of where they live. The majority of neighbourhoods in the city contain areas that fall outside these targets. Objective GSS08 sets a target that all local green spaces should be at least of a 'good' quality as measured by Plymouth's quality audit indicators. Currently, several local green spaces fall below this standard. With population growth, investment will be needed to maintain as well as enhance quality.

- 3.53 Additional justification and policy context for seeking contributions towards the natural environment and EMS is provided by Planning Policy Statement 9 (PPS9) and ODPM Circular 06/2005. PPS9 establishes six 'key principles' to ensure that the potential impacts of planning decisions on biodiversity are fully considered. Circular 06/2005 complements PPS9 by providing detailed guidance on the protection of designated nature conservation sites and protected species by the planning system.
- 3.54** The requirement for planning obligations is further supported by Core Strategy Policy CS30 (Sport, Recreation and Children's Play Facilities) which states "New residential development will be required to make appropriate provision for sport, recreation, open space and children's play to meet the needs of the development". Additionally, Core Strategy Strategic Objective 11 (Delivering a Sustainable Environment) and Policy CS19 (Wildlife) note the importance of supporting a richness of biological and geological diversity, underpinning the creation of sustainable neighbourhoods. Area Vision 10 (Plymouth Sound and Estuaries) states that the Council's aim is "To conserve and enhance Plymouth's unique coastal and waterfront setting, promoting an integrated management approach to its sustainable development". Area Vision 7 (Central Park), 8 (North Plymstock) and 9 (Derriford and Seaton) set out proposals to enhance Central Park and to create new destination parks in the Eastern Corridor and the Northern Corridor. Plymouth's Green Infrastructure Strategy sets out more detailed proposals for the establishment and delivery of the two new strategic parks. Policy CS33 (Community Benefits/ Planning Obligations) states that planning obligations can contribute to the delivery of strategic infrastructure to support the city vision.
- 3.55** Each new home potentially has an impact on the city's existing green space and marine space, or creates a need for new green spaces. The same is true of play areas for family homes. Planning obligations for residential developments are likely to be necessary for both local and strategic green space, including the EMS, to make the development acceptable in planning terms, satisfying Test One of the CIL Regulations (Regulation 122).
- 3.56** There is a clear functional and geographical relationship between a development which is likely to generate use of green spaces, play areas and the marine environment and a planning obligation which seeks to address the cost implications generated from that use. The local element of the green space tariff will support provision and enhancement of green space within the vicinity of the development while the play space element of the tariff will support provision and enhancement of local play spaces. The local green space tariff will contribute to meeting local deficiencies in the quantity, quality or accessibility of local green space as identified by the Green Space Strategy and Sustainable Neighbourhood Assessments. The play space tariff will also be used to enhance existing play spaces, where appropriate, or to create new play spaces where there is an identified deficiency of provision. The strategic element of the green space tariff will support the delivery and enhancement of strategic green infrastructure, including allotments and the city's local nature reserves.

The EMS tariff will support the conservation and protection of Plymouth Sound and Estuaries. Such planning obligations are therefore likely to be directly related to the development, satisfying Test Two of the CIL Regulations (Regulation 122).

- 3.57** PPG17 states that local authorities need to set appropriate local standards for green space and play space provision based on detailed assessments of needs and audits of existing provision. The Green Space Strategy addresses this requirement by setting a local standard of provision for green space and children's play space in Objective GSS01 (Plymouth's Accessible Green Space Standard). The tariff for green space and play space is calculated on the basis of Plymouth's local standard (expressed as requirements per person, related to dwelling size) with costs identified from data supplied by CABI Space. The tariff for the EMS is based on an assessment of the management costs per head to maintain the site's conservation quality. These approaches, which are set out in Plymouth's Planning Obligation Evidence Base document, mean that planning obligations are likely to be fairly and reasonably related in scale and kind to the development, satisfying Test Three of the CIL Regulations (Regulation 122).

Sports, recreation and playing pitch tariff

- 3.58** Sport and physical activity improve health, fitness and well-being. Providing sport and recreation facilities to meet the needs of new residents is therefore a priority. Sport and recreation facilities contain both local and strategic elements of infrastructure. Playing pitches serve mainly local needs and come under local infrastructure for the tariff. Where tariff is collected for local playing pitches, it will therefore need to be spent in the relevant local area, and this will be ensured through the Council's governance arrangements for authorising tariff spend. Specialist sports facilities tend to serve a city-wide population. Indeed, the Life Centre will be a sub-regional facility.
- 3.59** The sports and recreation tariff is therefore divided into:
- Local infrastructure: playing pitches
 - Strategic infrastructure: sports facilities (including swimming pools, indoor sports halls and indoor bowling):.
- 3.60** Specific national policy support for using planning obligations in this way can be found in Circular 05/2005 (para. B15) and PPG17. The latter states that "Planning obligations should be used where appropriate to seek increased provision of open spaces and local sports and recreational facilities, and the enhancement of existing facilities" (para. 23).
- 3.61** The requirement for planning obligations is further supported by Core Strategy Policy CS30 (Sport, Recreation and Children's Play Facilities), which states that "New residential development will be required to make appropriate provision for sport, recreation, open space and children's play to meet the needs of the development". CS30 also seeks to enhance the

city's sport and recreation facilities by delivering major new facilities at the following locations: Central Park Life Centre, Manadon and Devonport Brickfields. Para 16.11 of the Core Strategy specifically refers to the Life Centre as an example of strategic infrastructure that pooled contributions could be put towards. The project is the Council's strategic response to an unmet need in the city for high quality sports facilities and a key Growth Agenda priority.

- 3.62** PPG17 para. 33 states that "Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs". It also states that local authorities need to set appropriate local standards based on detailed assessments of needs and audits of existing provision. This requirement has been met with Plymouth's Playing Pitch Strategy and the Sports Facilities Strategy.
- 3.63** Taking the local sports and recreation tariff first, the Playing Pitch Strategy sets out a local standard for playing pitch provision for three different sub-areas of the city based on a detailed analysis of demand and supply. It identifies a need for investment in new and improved playing pitches in each of three sub areas of the city. Most new residential developments potentially create a demand for use of playing pitches. Planning obligations for such developments are therefore likely to be necessary to make the development acceptable in planning terms, satisfying Test One of the CIL Regulations (Regulation 122).
- 3.64** In respect of the strategic sports and recreation infrastructure tariff, the Sports Facilities Strategy sets out standards for provision of sport and recreation facilities and identifies a hierarchy of provision based on the quality of facilities. It identifies a considerable need for new investment even for the existing population. Development contributing to the growth of the city will only increase the need for such investment. Planning obligations for residential developments are therefore likely to be necessary to make the development acceptable in planning terms, satisfying Test One of the CIL Regulations (Regulation 122).
- 3.65** There is a clear functional and geographical relationship between a development which is likely to generate use of sports and recreation facilities and a planning obligation which seeks to address the cost implications generated from that use. The playing pitch tariff will be spent within the sub-area of the city within which the development takes place. The playing pitch tariff set out in Table 3.3 is the average for the city based on individual tariff levels for the three sub-areas of the city (please refer to Plymouth's Planning Obligations Evidence Base document for more details on tariff levels for playing pitches). The strategic sports and recreation tariff will be spent on facilities of city and sub-regional importance in accordance with the Sports Facilities Strategy. Such planning obligations are therefore likely to be directly related to the development, satisfying Test Two of the CIL Regulations (Regulation 122).
- 3.66** The tariffs for playing pitches and for sports and recreation facilities are calculated on the basis of Plymouth's local standards (expressed as

requirements per person, related to dwelling size) as set out in Plymouth's Planning Obligations Evidence Base document. This approach means that planning obligations are likely to be fairly and reasonably related in scale and kind to the development, satisfying Test Three of the CIL Regulations (Regulation 122).

Public realm tariff

- 3.67** Public realm is identified as a strategic element of the tariff, because the primary focus for public realm improvement is the City Centre as the primary commercial centre for Plymouth.
- 3.68** The City Centre is a regional centre of great importance to the South West and provides services to the entire population of Plymouth. This includes shopping, leisure and employment. Investment in public realm will play a crucial part in helping the City Centre to stay vibrant and fulfill its potential for serving the people of Plymouth and beyond. Public realm draws people to centres, provides healthy, safe and attractive environments, and creates a positive image for the attraction of investment in new and improved facilities.
- 3.69** Planning Policy Statement 1 (PPS1) emphasises the importance of creating developments which have well-planned public spaces. This can incorporate buildings and streets. To this end, the Department of Transport's 'Manual for Streets' 2007 provides a comprehensive guide to putting well designed streets at the heart of sustainable communities. Planning obligations may be utilised to shape the nature of the development, or mitigate or compensate for impacts of the development, to ensure that a high standard of design is achieved in the public realm.
- 3.70** Core Strategy Policy CS34 (Planning Application Considerations) states that "Planning permission will be granted if all relevant considerations are properly addressed. These will include whether the development: incorporates public spaces, landscaping, public art and 'designing out crime' initiatives". Plymouth Local Strategic Partnership's "A Vision for Plymouth" and the Local Development Framework's City Centre and University Area Action Plan provide a context for promoting policies and proposals that will benefit the future viability and vitality of the City Centre's public realm. The Core Strategy emphasises the critical importance of the City Centre to the overall vision for Plymouth, and identifies improvements to public realm as a key issue.
- 3.71** Policy CS33 (Community Benefits/ Planning Obligations) also allows for obligations to contribute to the delivery of strategic infrastructure, responding to the cumulative impacts of developments and the delivery of the City Vision. The City Centre's public realm is one of the key elements of infrastructure necessary to deliver the Plymouth's growth vision. Given that the City Centre is a facility for use by all people in the city, residential development will cumulatively create an impact on and demand for use of its facilities and spaces. Furthermore, improvements to the City Centre's public realm will be to the wider benefit of the city. Planning obligations for such developments are therefore likely to be necessary to make the

development acceptable in planning terms, satisfying Test One of the CIL Regulations (Regulation 122).

- 3.72** There is a clear functional and geographical relationship between a development which is likely to generate use of the City Centre and a planning obligation which seeks to address the cost implications generated from that use. Such planning obligations are therefore likely to be directly related to the development, satisfying Test Two of the CIL Regulations (Regulation 122).
- 3.73** The tariff for Plymouth's public realm is based on the cost per head of improving the City Centre public realm as set out in Plymouth's Planning Obligations Evidence Base document. This approach means that planning obligations are likely to be fairly and reasonably related in scale and kind to the development, satisfying Test Three of the CIL Regulations (Regulation 122).

Transport tariff

- 3.74** Investment in strategic transport infrastructure represents one of the greatest challenges to the Plymouth growth agenda. Overall traffic levels in Plymouth have increased over the last decade, leading to increased congestion and a range of associated problems such as increased air pollution, noise impacts and visual intrusion. It is critical to the successful and sustainable growth of the city that major transport improvements are delivered. Without this, the level of growth necessary to achieve the City Vision will not be possible. Transport therefore is considered as strategic infrastructure.
- 3.75** Planning Policy Guidance Note 13 (PPG13) para. 85 provides that "planning obligations should be based around securing improved accessibility to sites by all modes, with the emphasis on achieving the greatest degree of access by public transport, walking and cycling". Works such as new access roads, improved junction layouts, extra car parking facilities, contributions to improving public transport accessibility and improved measures for cyclists/pedestrians may be appropriately dealt with as planning obligations in accordance with Circular 05/05 para. B15.
- 3.76** Core Strategy Policy CS28 (Local Transport Considerations) sets out the Council's approach to transport infrastructure. It states that development should where appropriate:
- Contribute to improved public transport provision and the development of new interchanges on the High Quality Public Transport network
 - Support safe and convenient pedestrian, cycling and road traffic movement
 - Provide proactive facilities and measures to support sustainable transport modes
 - Contribute to the progressive introduction of network management technology, to maximise existing and future capacity and investment

across all transport modes - and to reduce congestion and delay for the benefit of business and domestic travellers alike

- Actively promote green travel plans.

3.77 Policy CS33 (Community Benefits/ Planning Obligations) requires that developments must meet the reasonable cost of new infrastructure made necessary by the proposal, and this specifically identifies transport as one of the areas of infrastructure. It also allows for obligations to contribute to the delivery of strategic infrastructure, responding to the cumulative impacts of developments and the delivery of the City Vision. Para. 16.11 of the Core Strategy specifically refers to major transport initiatives as an example of strategic infrastructure that pooled contributions could be put towards.

3.78 Although there may be local access implications associated with a development (which can be addressed through the 'Negotiated Element' of a planning obligation), the tariff is concerned with the strategic transport implications. Because the strategic transport network is a system covering a wide area, problems in one part of the network can be transferred right across the city. New developments generate additional trips which add pressure to roads, public transport facilities and pedestrian and cycle routes, resulting in additional problems if measures are not taken to address the impact. Each person travelling in Plymouth therefore contributes to the need for investment in strategic transport infrastructure. Planning obligations are therefore likely to be necessary to make the development acceptable in planning terms, satisfying Test One of the CIL Regulations (Regulation 122).

3.79 There will be a functional link where developments generate additional travel movements on the city's strategic transport network. Furthermore, the Council will use strategic transport tariff to address the priority structural transport interventions necessary to make the entire network function efficiently, effectively and in accordance with principles of sustainability and transport choice. In particular this will be through its High Quality Public Transport Network. Such planning obligations are therefore likely to be directly related to the development, satisfying Test Two of the CIL Regulations (Regulation 122).

3.80 The tariff for strategic transport is based on the cost per head of providing a High Quality Public Transport network as set out in Plymouth's Planning Obligations Evidence Base document. This approach means that planning obligations are likely to be fairly and reasonably related in scale and kind to the development, satisfying Test Three of the CIL Regulations (Regulation 122).

Chapter 4 The Negotiated Element

4.1 This chapter sets out some of the elements that may form part of a planning obligation as part of the Negotiated Element. Specifically it identifies:

- additional planning obligation matters that developments may need to contribute towards
- what large developments may be required to contribute.

Affordable housing is discussed in Chapter 5.

What planning obligation matters do developments contribute towards?

4.2 In addition to the requirements of the Plymouth Development Tariff, there may also need to be additional elements to the planning obligation, particularly for larger developments. The Negotiated Element can include a variety of planning obligation areas dependent on the specific development and its impact. The following list illustrates likely contribution areas, but is not fully inclusive:

- Local transport and access, including Travel Plans
- Community facilities
- Specialised health facilities
- Economic development
- Offsetting carbon targets
- Nature conservation
- Plymouth Sound and Estuaries European Marine Site.

What developments may be required to contribute?

4.3 The Negotiated Element will normally apply to larger developments. However, decisions about this element of planning obligations will be decided on a case by case basis, dependent on the identified impacts. Affordable housing requirements will apply to developments of 15 homes or more.

4.4 The following paragraphs will take each negotiated planning obligation matter in turn, setting out the justification for its inclusion within the SPD. Affordable housing is considered in Chapter 5 as this also includes an explanation of how affordable housing requirements are calculated. More information on how the negotiated element is calculated can be found in Plymouth's Planning Obligations Evidence Base Document that accompanies this SPD.

Local transport access

4.5 In addition to the Plymouth Development Tariff, developments may be required to contribute towards local transport and access improvements to and from the development site which are necessary to make the planning application acceptable. The Council envisages that the majority of sites will not require specific local improvements due to transport and access issues being addressed as part of the scheme design. This matter will however be determined on a case by case basis.

4.6 Contributions may be required for:

- New access roads
- Improved junction layouts
- Extra car parking facilities
- Contributions to improving public transport accessibility
- Improved measures for cyclists/ pedestrians.

4.7 When developers apply for planning permission, the Council may ask them to produce a Transport Assessment (TA) or Transport Statement (TS) to provide a technical assessment of all the accessibility issues and transport implications that may arise due to the development. The TA or TS may be used in negotiating specific local off-site access improvements to allow the Council to assess the impact of the development plus any mitigation measures proposed as necessary. The Council may seek a financial contribution from the applicant to fund the provision of any necessary mitigation measures in the form of a Section 278 or 106 Agreement.

4.8 The wider transport implications of a development may also be addressed, in whole or part, through a Travel Plan. Guidance on Travel Plans is provided in Section 8.4 of the Development Guidelines Supplementary Planning Document.

4.8 PPG13 and Circular 05/2005 provide justification to seek planning obligations for transport. PPG13 states that “planning obligations should be based around securing improved accessibility to sites by all modes, with the emphasis on achieving the greatest degree of access by public transport, walking and cycling”. Works such as new access roads, improved junction layouts, extra car parking facilities, contributions to improving public transport accessibility and improved measures for cyclists / pedestrians may be appropriately dealt with as planning obligations in accordance with Circular 05/05 para. B15.

4.9 Transport improvements will be negotiated on a case by case basis and related in appropriateness and scale to the specific development. Such development enabling works will not be offset against a developer's tariff contribution unless it can be demonstrated that they contribute directly to strategic transport infrastructure, in which case part or total offsetting may be allowed at the Council's discretion.

Further information on transport

The Development Guidelines SPD is available at www.plymouth.gov.uk

PPG13 Transport (2001) is available at www.communities.gov.uk

Community facilities

4.10 Community facilities are vital to the vibrancy and success of local communities. They can come in many forms, including meeting places, youth centres, places of worship, local theatres and cultural facilities and

local heritage facilities. Contributions to some community facilities are provided for in the SPD through the Plymouth Development Tariff. This includes schools, libraries, and green spaces and sports and recreation facilities. However, there will be occasions when it is appropriate to have a bespoke planning obligation relating to community facilities as part of the 'Negotiated Element'.

- 4.11** New developments can impose extra costs on service providers at a time when resources are stretched. It is therefore reasonable to expect developers to contribute towards the costs of community infrastructure where the need for those facilities arises directly from the development.
- 4.12** The Core Strategy Strategic Objective 8 seeks "To facilitate the creation of Plymouth as a vibrant waterfront city with a thriving cultural and leisure sector and a diverse, safe, balanced and socially inclusive evening / night economy. This will be achieved by: Establishing and promoting one or more sustainable cultural quarters as centres for arts, culture and entertainment for the city".
- 4.13** Government Circular 05/05 (para. B15) is concerned with using planning obligations to mitigate the impact of a development. It states that: "Where a proposed development would, if implemented, create a need for a particular facility that is relevant to planning but cannot be required through the use of planning conditions it will usually be reasonable for planning obligations to be secured to meet this need".
- 4.14** Applications will be assessed individually to determine if they will place strain on existing, or create a demand for new, facilities and therefore require a planning obligation to be negotiated. This is only likely to be the case with larger developments. In making its assessment the Council will have regard to its evidence, including its Sustainable Neighbourhood Assessments and other neighbourhood and locality data.

Further information on community facilities

The Vital Spark – a cultural strategy for the city of Plymouth 2009 – 2020 can be accessed on www.plymouth.gov.uk

Specialised health facilities

- 4.15** The Council recognises the social benefits of the provision of excellent medical and health facilities to the community. New residential developments put pressure on existing health facilities and cumulatively create the need for additional facilities and services.
- 4.16** Government guidance as contained within Circular 05/2005 paragraph. B15 states that "if a proposed development would create a need for a particular facility that is relevant to planning but cannot be required through the use of planning conditions, it will usually be reasonable for planning obligations to be secured to meet this need.".
- 4.17** The Core Strategy's Strategic Objective 15 (Delivering Community Well-being) focuses on improving the city's healthcare facilities and ensuring

that the potential health impacts of development are identified and addressed at an early stage in the planning process. Policy CS31 (Health Care Provision) seeks to improve the health of the city through requiring all major development proposals to be subject to Health Impact Assessment.

- 4.18 Contributions may be sought towards the capital costs of addressing impacts on health facilities that are not covered by the tariff. This could include bespoke impacts that are identified by a health impact assessment. Applications will be assessed individually to determine if they will place strain on existing, or create a demand for new services and therefore require a planning obligation to be negotiated. This is only likely to be the case with larger developments. Contributions will be appropriate to the scale and nature of the development.

Economic development

- 4.19 Development activity brings capital investment, creates new jobs during construction and new opportunities for employment. Traditionally, the jobs and benefits created by new commercial development have not always been accessible to those local people who need them. The Council wishes to maximise the benefits of development by encouraging developers, contractors and subcontractors to participate in voluntary agreements and provide other economic contributions that can positively address social exclusion. Such contributions can ensure the local community is supportive of, and involved with, developments and significantly enhance the long-term economic sustainability of the area.
- 4.20 The use of planning obligations is outlined in Government Circular 05/2005 and in PPS1 (2005, para. 5), which stresses the need for planning to "facilitate and promote sustainable and inclusive patterns of urban and rural development by contributing to sustainable economic development".
- 4.21 PPS1 requires planning authorities to ensure that social inclusion, economic development, environmental protection and the prudent use of resources are at the forefront of policy making and implementation. In addition, the Core Strategy sets out strategic objectives for the economy of the city. Policy CS04 (Future Employment Provision) states that "the Council will support a step-change in the performance of Plymouth's economy through supporting the provision of childcare facilities close to places of employment and promoting local labour agreements with developers to enable local people in deprived communities to secure employment and skills development".
- 4.22 Plymouth's Local Economic Strategy 2006-2021 promotes the harnessing of development benefits (and value where appropriate) that can be used to support investment in infrastructure and realise other community benefits. The strategy contains a series of 'proactive interventions' which focus on investment to promote competitiveness and entrepreneurship; transforming Plymouth into a learning city, and providing unconstrained participation in the labour market.

4.23 The aims of the Plymouth Local Economic Strategy include:

- Promoting unconstrained participation in the labour market by enabling local residents to receive appropriate training and gain the skills necessary to obtain employment within the development. This could include schemes such as provision for childcare.
- Positive promotion and encouragement of use of local labour during construction phase.
- Provide business support for target industries such as Market Focused Research & Development (R&D).
- Provision of affordable and flexible business space within new developments.

4.24 Contributions towards economic development will normally only be sought from larger developments, particularly in or adjacent to deprived communities, and from those that require an economic impact assessment. The level of contribution sought will reflect the scale and nature of the development and will be determined on a case by case basis.

4.25 The following list is illustrative of the wide range of initiatives that developers will be encouraged to support in line with Plymouth's Local Economic Strategy:

- Local labour initiatives to provide valuable local employment opportunities
- Apprenticeships, to assist young people into work and contributing to the future skills-pool in the city.
- Training funds, to address the multiple barriers people may face in accessing work opportunities. These can be secured by a simple commitment to advertise vacancies in the local area and guarantee interview.
- Childcare provision, which allows a return to work and a more easily achieved work-life balance through provision designed to suit local circumstances.
- Flexible and affordable business premises, particularly small and start-up units on accessible lease terms. This provision ensures continuing opportunities for business start-up.
- Community endowment funds, which can be established and accessed by local projects according to local priorities for social and economic facilities and services.
- Affordable retail space for independents, by designing in smaller units and kiosks. This will benefit local people through easy access to services and the development will achieve a more diverse and interesting character.
- Provision of business support for small firms across the city, to ensure a vibrant and successful business community is supported.
- Retail and business area improvements, by improving security, reducing dereliction and blight and improving business trading environments. This

will help attract new investment, support responsible behaviour and increase trade.

- Company sponsorship schemes, including mentoring and 'buddy' programmes which allow employees opportunities to contribute to nearby communities as part of their personal training and development.
- Support of the local and social economy, through local procurement of goods and services as an alternative to purchasing those same goods and services from private companies from further afield.

Further information on economic development

Plymouth's Local Economic Strategy can be assessed at

<http://www.plymouth.gov.uk/homepage/business/invest/localeconomicstrategy.htm>

Carbon reduction targets – offsite solutions

- 4.26 The Government believes that climate change is the greatest long-term challenge facing the world today. Addressing climate change is therefore the principal concern for sustainable development, and it is widely recognised that there is no one solution. Alleviating the problems of climate change and adapting to the challenges it will bring requires new development to adopt cross cutting action spanning a broad range of design topics, and at a range of spatial scales. Many of these actions focus on the need to reduce carbon emissions.
- 4.27 In December 2007, Department of Communities and Local Government published a supplement to PPS1 entitled "Planning and Climate Change". This expects planning to be a positive force for change that will help secure progress against the UK's emissions targets, and deliver the Government's ambition for zero carbon development, both by direct influence on energy use and emissions, and in bringing together and encouraging action by others.
- 4.28 In 'Building a Greener Future' the Government has announced that all new homes in England and Wales must be zero carbon by 2016, with interim reductions in CO2 emissions of 25% below current Building Regulations by 2010 and 44% by 2013. There are similar ambitions to cut carbon emissions from new non-domestic buildings by 2019.
- 4.29 Plymouth's Climate Change Action plan sets out targets for a 20% reduction in citywide CO2 emissions by 2013 and 60% by 2020. The Core Strategy addresses the need for action on climate change and a reduction in CO2 emissions under the following strategic objectives: Strategic Objective 1: To deliver a vision for Plymouth's strategic role within the South West Region, including creating sustainable communities and working towards carbon neutrality; Strategic Objective 11: Promoting Renewable Energy and addressing the causes, and potential impacts of climate change.

- 4.30 Policy CS20 (Sustainable Resource Use) encourages a range of measures related to the sustainable use of natural resources. It encourages an improvement in the energy efficiency of new buildings, and requires reductions in a development's CO₂ emissions through the use of renewable energy technology. All proposals for non-residential developments exceeding 1,000 square metres of gross floorspace, and new residential developments comprising 10 or more units (whether new build or conversion), are required to incorporate onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions. Para 11.27 of the Core Strategy says that where this policy requirement cannot be achieved in the development, a planning obligation will be sought to secure the savings in an alternative way.
- 4.31 In the exceptional cases where the onsite renewable energy requirement is found to be undeliverable due to site constraints, a contribution towards the delivery of off site CO₂ reduction measures will be required. The level of contribution will be based on the estimated capital cost of the renewable energy equipment need to meet the 15% reduction in total predicted carbon emissions for the planned development.
- 4.32 These contributions will be used to deliver carbon savings by investing in energy efficiency of the existing housing stock, or through supporting the delivery or expansion of low carbon energy infrastructure such as district heating and cooling networks.
- 4.33 In those areas where the CS20 policy requirement for onsite renewable energy is relaxed in favour of area wide district energy solutions, the Council will negotiate contributions on a case by case basis. The level of contribution required will be based upon the following variables:
- Level of capital investment required onsite to support expansion of the proposed district energy network
 - Cost savings generated through relaxing of the CS20 onsite renewable requirement, and /or achieving Building Regulation CO₂ emissions standards through the connections to a District Energy network.

Further information on carbon reduction

Acting on Climate Change: Plymouth's Climate Change Action Plan 2009 – 2011 is available at www.plymouth.gov.uk

PPS1 supplement Planning and Climate Change (Dec 2007) is available at www.communities.gov.uk

Building a Greener Future (July 2007) is available at www.communities.gov.uk

Nature conservation

- 4.34 The conservation and enhancement of biodiversity is a principle central to our need to live within 'environmental limits' and deliver sustainable development. Plymouth has a wealth of natural assets which not only

contributes towards the biodiversity / geodiversity of the city but improves the quality of life for its residents.

- 4.35** Development must contribute positively towards the city's biodiversity and / or geodiversity and it is therefore reasonable to expect developers to contribute towards the protection and enhancement of natural assets on development sites.
- 4.36** The national policy context for seeking contributions towards the natural environment is provided by Planning Policy Statement 9 (PPS9) and ODPM Circular 06/2005, para. B16, which states that "planning obligations can be used to offset through substitution, replacement or regeneration the loss of, or damage to, a feature or resource present or nearby". PPS9 establishes six 'key principles' to ensure that the potential impacts of planning decisions on biodiversity / geodiversity are fully considered. Circular 06/2005 complements PPS9 by providing detailed guidance on the protection of designated nature conservation sites and protection of species by the planning system. A key theme running through the key principles of PPS9 is that planning authorities should not only seek to conserve biodiversity, but also to 'enhance, restore or add to biodiversity interest'.
- 4.37** The Core Strategy Strategic Objective 11 (Delivering a Sustainable Environment) and Policy CS19 (Wildlife) state the importance of supporting a richness of biological and geological diversity and that this will underpin the creation of sustainable neighbourhoods. These statements recognise the importance of protecting the statutorily designated wildlife interest, but also highlights biodiversity enhancement as a cross cutting opportunity within all development.
- 4.38** Contributions towards nature conservation may be sought on all development (both residential and non-residential) if there is a need to resolve site specific biodiversity or geological diversity issues. Contributions will be calculated through the production of a Biodiversity and/or Geodiversity Management Plan which shall be submitted to and approved by the Council. The management plan must be produced in line with the guidance found within Plymouth's Design SPD.

Further information on nature conservation

Plymouth's Sustainable Design SPD can be found on www.plymouth.gov.uk

PPS9 Biodiversity and Geological Conservation (2005) is available at www.communities.gov.uk

Circular 06/05 Biodiversity and Geological Conservation: statutory obligations and their impact within the planning system is available at www.communities.gov.uk

PPS9 Biodiversity and Geological Conservation (2005) is available at www.communities.gov.uk.

Plymouth Sound and Estuaries European Marine Site

- 4.39** As a waterfront city, the coastal and estuaries environment is also a critical aspect of Plymouth's 'green' resource. The Tamar Estuaries Complex is recognised as being of European importance for the biodiversity that it supports. It is designated as a Special Area of Conservation (SAC) and parts are also designated as a Special Protection Area (SPA). The Habitat Regulations Assessment of the Core Strategy identifies a number of possible impacts on Plymouth Sound and Estuaries SAC arising from Core Strategy policies including impacts on water quality, physical damage, habitat loss and biological disturbance.
- 4.40** The national policy context for seeking contributions towards the natural environment is provided by PPS9 and ODPM Circular 06/2005. PPS9 establishes six 'key principles' to ensure that the potential impacts of planning decisions on biodiversity are fully considered. Circular 06/2005 complements PPS9 by providing detailed guidance on the protection of designated nature conservation sites and protected species by the planning system.
- 4.41** The requirement for planning obligations is further supported by Core Strategy Strategic Objective 11 (Delivering a Sustainable Environment), and Policy CS19 (Wildlife).
- 4.42** Commercial developments which have an impact on the environmental quality of the EMS will be required to mitigate their impacts through contributing towards the protection and management of the site. This is likely to be the case for marina developments as well as commercial and port related developments along the waterfront.

Further information on the European Marine Site

Habitat Regulations Assessment of Plymouth's Core Strategy (January 2007) is available at www.plymouth.gov.uk

Commutated maintenance payments

- 4.43** The Council is normally prepared to adopt and maintain properly laid out green space, play space or playing pitches that are intended for wider public use, where these amenities are provided by the developer on site as part of a development (please also refer to para. 6.15). This will be subject to a 20 year commuted sum as a negotiated element of the Section 106 agreement, calculated on the basis of costs set out in Table 4.1 below. If the developer does not intend to offer areas for adoption, then the Council needs to be assured that satisfactory alternative arrangements are in place for maintenance in the future.

Table 4.1: Maintenance costs for Formal/Informal Green Space, Local Nature Reserves and Equipped Children's Play Space¹

Type of Space	Cost (£/ m2 per year)
Children's Play	£19.40
Parks and Gardens	£5.14
Informal Green Space	£0.62
Local Nature Reserves/Natural Green Space	£0.95
Allotments	£ 0.31
Playing Pitches	£0.51

¹These costs come from data supplied by CABE Space for maintenance of green space in the South West between 2005 and 2007 and from Sport England.

Chapter 5 Affordable Housing

- 5.1** A key element of the Core Strategy (para. 10.1) is to deliver decent, safe and affordable homes, which are suited to the needs of future occupiers, and located in a community in which they wish to live. Providing better and more affordable housing is a priority for the Council and is central to achieving Plymouth's ambitions, creating balanced and sustainable communities, supporting growth and regeneration and meeting our housing needs.
- 5.2** In 2006, the Council and neighbouring authorities jointly commissioned DCA Consultants to undertake a Housing Market and Needs Assessment (HMA). Reports were produced for the sub-region and for each local authority. As one would expect, this showed a variation in the levels of affordability across the sub region, but in all areas the demand for affordable housing far exceeded supply. In Plymouth's case, the annual affordable housing need from existing and concealed households allowing for re-lets, and assumed new supply as identified by the HMA is for 1,468 units, which is greater than the total annual housing provision. This assessment was updated in 2009 and identified an annual shortage of affordable housing of 1,854.
- 5.3** Some of the key findings of the HMA in relationship to affordable housing are:
- around 80% of newly forming households are unable to purchase in their own right;
 - the affordable property types needed are: 47% houses, 16% bungalows and 37% flats/maisonettes;
 - the scale of need could justify the whole affordable housing provision to be rented units;
 - affordable housing targets of up to 50% could be justified based upon need, but viability would be affected;
 - the need for 1, 2 and 3 bed properties is roughly even, with a small but important need for 4+ bedroom accommodation.
- 5.4** The provision of new affordable housing through the use of planning obligations and by national bodies, Registered Social Landlords (RSL) and Registered Providers provides an essential mechanism to meet this

remaining affordable housing demand, in accordance with the Council's objective of ensuring provision of an appropriate mix, type and tenure of housing to meet the needs of Plymouth's residents.

Policy context

- 5.5** The justification for requiring obligations in respect of affordable housing nationally is set out in Circular 05/2005 (Para B12) and PPS3 Housing (2005). Policy H1 of the Draft Revised Regional Spatial Strategy (RSS) for the South West 2006 – 2026 Incorporating the Secretary of State's Proposed Changes sets targets, and requires at least 35% of all housing developments annually to be affordable housing across each authority area.
- 5.6** This RSS target changed from 30% to 35% during the course of the preparation of the RSS, and has yet to be formally adopted. Policy CS15 (Overall Housing Provision) of the Core Strategy, requires "at least 30% affordable housing" from all residential developments of 15 or more dwellings.
- 5.7** The Plymouth Housing Strategy 2008-2011, and the Plymouth Housing and Market Needs Assessment provide the evidence and context for consideration relating to affordable housing matters. Copies of these documents are available to view on the Council's web site at <http://www.plymouth.gov.uk>.
- 5.8** The definition of affordable housing based upon PPS3 (2005) and as contained within the Core Strategy (para. 10.20) is:

Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable Housing should meet the needs of eligible households, including availability at a cost low enough for them to afford determined with regard to local incomes and local house prices. It should include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

- 5.9** National guidance (Delivering Affordable Housing, Nov 2006) states that affordable housing can include social rented and intermediate housing.
- 5.10** Social rented housing is rented housing which is owned and managed by local authorities, RSLs or Registered Providers for which guideline target rents are determined through the national rent regime. It can include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.
- 5.11** Intermediate Affordable Housing is property above the costs of those of social rent, but below market prices or rents, which meet the other criteria in the definition. This can include shared equity and other low cost homes for sale and intermediate rent.

5.12 Low cost market housing is not within the definition of affordable housing, as it does not address all of the criteria within the definition.

Affordability in Plymouth

5.13 PPS3 (2005) requires a link between local incomes and property prices to be demonstrated to indicate levels of affordability. There is a serious affordability problem in Plymouth, particularly for those individuals and families seeking to enter the housing market for the first time. The use of lower quartile indicators is based upon DCLG Advice Note 'Housing Market Information' (May 2007). Although it might be possible to borrow higher multiples of income than that used in the example below, it is considered that this is a responsible borrowing limit.

Box A1: Lower quartile income housing affordability

Affordable purchase price = lower quartile gross annual income x 3.5 times lending + 10% deposit

Lower quartile gross annual income = £16,477

Affordable purchase price = £16,477 x 3.5 + £11,000 = £68,669.50

Lower quartile average house price = £110,000

10% deposit = £11,000

Affordable rental price = 25% of lower quartile gross annual income per month
= £16,477 x 0.25/12 = £343

This means that residents on lower quartile incomes cannot afford to buy a housing costing more than £68,669.50 or pay more than £343 per month for rented accommodation.

Source: Annual Survey of Hours and Earnings, June 2010

5.14 The lower quartile house price in Plymouth for 2009 was £110,000. This gives a ratio of house prices to earnings at the lower quartile level of 6.68:1, which indicates that there is a substantial affordability gap at the lower quartile level and extending quite a way up the earnings ladder. This means that an individual would need to be earning more than £28,000 a year as well as having secured a deposit of £11,000 to afford a lower quartile priced house. Individuals on lower quartile earnings would clearly be unable to afford to buy property, and it is these individuals that would be likely to take up affordable rented accommodation.

5.15 If one takes the median figures for income and house prices from the same data source, this results in the following affordability levels:

Box A2: Median affordability levels

Affordable purchase price = median gross annual income x 3.5 times lending + 10% deposit

$$£23,091 \times 3.5 + £14,800 = £95,618.50$$

Affordable rental price = 25% of median gross annual income per month
= $£23,091 \times 0.25 / 12 = £481$

Source: Annual Survey of Hours and Earnings, June 2010

- 5.16** The median house price in Plymouth for 2009 was £148,000. This gives a ratio of house prices to earnings at the median level of 6.4:1, which in relative terms of affordability, is little different from lower quartile levels. This means that an individual would need to be earning more than £38,057 to afford a median priced house. A person on median earnings could ill afford to purchase even a lower quartile priced home. Such a person would be likely to be able to benefit from intermediate affordable housing schemes, such as shared ownership (New Build Homebuy). These figures will be subject to annual review for inflation and other market force influences.
- 5.17** When considering affordable purchase and rental values, the Council will also consider service charges as part of the total housing cost. The Council will not accept unreasonable service charges that will undermine affordability. Restrictions on the levels of service charges will be written into S106 agreements. An indicative maximum at which service charges would be capped is £553 per annum, subject to RPI increases.

Affordable housing thresholds

- 5.18** Planning contributions will be sought from all residential developments of 15 dwellings or more. In these cases, qualifying developments will be required to provide at least 30% affordable housing on site. Only in exceptional cases might a commuted sum be accepted towards the provision of affordable housing on another site (see para. 5.19).
- 5.19** Contributions for affordable housing will not be required from care/nursing homes or student accommodation, where occupation is restricted by planning conditions or legal agreements. Provision for affordable housing will be required from sheltered housing.
- 5.20** The Council will seek to ensure that the spirit of this policy is not avoided by the artificial sub-division of sites resulting in applications below the action threshold, or developments at densities below that which is reasonably achievable on the site. Where such applications are made, it should be anticipated that they would be recommended for refusal. Applications close to the affordable housing threshold will be subject to thorough testing and policy assessment.
- 5.21** The affordable housing threshold will apply to the total number of dwellings that are being proposed on site. This will be taken as the net

figure, so that the number of units that exists on the site will not be taken into account.

On site provision

5.22 The Core Strategy Policy CS15 allows for off-site provision or commuted payments for affordable housing provided it is “robustly justified and contributes to the creation of balanced, mixed and sustainable communities”. For example, where it is demonstrated that provision on an alternative site would more strongly meet the Council’s sustainable community objectives, this could be acceptable. However, in most cases, the Council will seek on-site provision.

Involvement of Registered Social Landlords (RSLs)

5.23 The Council strongly prefers all on site affordable housing provision to be provided in conjunction with an RSL. RSLs can secure effective and long-term management of the affordable housing, as well as ensuring the benefits of ‘stair casing’ (when occupiers purchase an additional % of a shared ownership house) are recaptured and recycled into alternative affordable housing provision.

5.24 There is more than enough evidence of need to justify all affordable housing to be in the form of rented accommodation. However, this could not realistically be delivered through the planning process, nor would it contribute to building balanced communities. A tenure mix of 60:40 will therefore be sought for all affordable housing, split between social renting (60%) and intermediate accommodation (40%), as stated in para 19.6.14 of the Plymouth Housing Market and Needs Assessment (2006).

5.25 The Council would want developers to work in collaboration with its Housing Department and the RSL selected as being the preferred partner to deliver affordable housing on any particular site. The Council has a preferred list of RSLs who are part of the Plymouth Housing Development Partnership and who are active in the city. Details of the preferred partner RSLs are set out below.

Box A2: Preferred RSL Partners

- Affinity Sutton
- Aster Housing Association
- Devon and Cornwall Housing Association
- Guinness Trust
- Hanover Housing Association
- Plymouth Community Homes
- Sanctuary Housing Association
- Spectrum Housing Association
- Sovereign Housing Association
- Tamar Housing Society
- Tor Homes

- West Country Housing Association

5.26 The Council requires the type and size of affordable housing to reflect the overall type and size of market housing proposed on the development site, but may wish to discuss the provision of other types of affordable property to meet identified local needs. Affordable homes should be spread throughout the development, although on larger sites this can take the form of small clusters of not normally more than 12 dwellings. Consideration will be given for larger clusters in the case of extra care and sheltered housing.

Pre application discussions

5.27 The Council encourages pre-application discussions with regard to planning obligations including affordable housing. Planning Officers and Housing Enabling Officers will normally be in attendance at pre-application and subsequent meetings involving discussions on affordable housing, in an attempt to resolve any outstanding issues.

Design and quality standards

5.28 The Council will expect high standards of design, layout and landscaping for all developments, which respect the character of the area and reflect local distinctiveness. To ensure the creation of mixed and integrated communities, the affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy.

5.29 The affordable housing should be tenure blind and fully integrated with the market housing. It should be distributed evenly across the site or, in the case of flats, in small clusters distributed evenly throughout the development. Tenure blind integration should be considered at an early stage of the detailed design and layout of the site.

5.30 All social housing, and intermediate housing requiring Homes and Communities Agency Grant, must be built to meet the relevant Homes and Communities Agency Design and Quality Standards (April 2007). For schemes funded from the National Affordable Housing Programme, these must be built to meet or exceed certain levels of unit size, layout, services, sustainability and Building for Life standards.

5.31 Developers / RSLs should be aware of the relevant Homes and Communities Agency standards that apply to the development. The latest standards can be downloaded from the Agency's website and its regional offices can provide further clarification.

5.32 The Council requires affordable housing units to be provided with car, motorcycle and cycle parking spaces in accordance with its standards, and with consideration to the location and accessibility of the site to services and employment.

- 5.33** The presumption in planning policy is that affordable housing should be provided without public subsidy. However, subject to viability assessment and availability of funding, Homes and Communities Agency grant may be available on a case by case basis. It should not be assumed that this will be forthcoming for every development. Table 5.1 overleaf sets out the indicative RSL purchase price for social rented housing. These figures will be updated annually in the LDF Annual Monitoring Report.
- 5.34** It is important for developers to have a clear understanding of the likely financial impact of the affordable housing contribution in advance of acquiring land or making a planning application. To provide certainty and clarity, the Council has determined what a RSL can afford to pay for social rented housing units based on the rental income or sales values for units. This is to ensure that the unit is affordable to the tenant or purchaser, having regard to local incomes. Table 5.1 shows indicative purchase prices for social rented housing.

Table 5.1 Indicative Purchase Price for Social Rented Housing

Unit Type / Area	2006/07 Base Figures		2007/08 increased by Sept 2006 RPI + 0.5% (4.1%)		2008/09 increased by Sept 2007 RPI + 0.5% (4.5%)		2009/10 increased by Sept 2008 RPI + 0.5% (5.5%)		2010/11 increased by Sept 2009 RPI + 0.5% (0.9%)	
	(£) Per unit. Lower Threshold	(£) Per unit. Upper Threshold	(£) Per unit. Lower Threshold	(£) Per unit. Upper Threshold	(£) Per unit. Lower Threshold	(£) Per unit. Upper Threshold	(£) Per unit. Lower Threshold	(£) Per unit. Upper Threshold	(£) Per unit. Lower Threshold	(£) Per unit. Upper Threshold
1 bed flat (46m ²)	£28,750	£36,652	£29,929	£38,155	£31,246	£39,834	£32,965	£42,025	£32,668	£41,647
2 bed flat (56-61m ²)	£35,500	£42,613	£36,956	£44,360	£38,582	£46,312	£40,704	£48,859	£40,338	£48,419
2 bed house (72-76m ²)	£37,688	£46,362	£39,233	£48,263	£40,959	£50,386	£43,212	£53,157	£42,823	£52,679
3 bed house (82-86m ²)	£44,250	£54,106	£46,064	£56,324	£48,091	£58,803	£50,736	£62,037	£50,279	£61,479
4 bed house (106-115m²)	£51,375	£61,311	£53,481	£63,825	£55,835	£66,633	£58,906	£70,298	£58,376	£69,665

NOTE:

Lower threshold figures expected for smaller unit areas (floor space) or low value areas in city

Upper threshold figures expected for larger unit areas (floor space) or highest value areas in the city

5.35 Payments for shared ownership housing will be 50% of Open Market Value (OMV). This methodology has been determined on the basis that no more than 25% of the gross median income level for Plymouth should be spent on housing costs, ensuring affordability. The method for determining OMV is detailed in the Homes and Communities Agency Capital Funding Guide.

Note: It may not be possible to provide Affordable Intermediate (including shared ownership) housing in developments of very high value dwellings. Early discussions regarding development details and values with the Council's Enabling and Planning Officers are essential to determine appropriate affordable housing packages in each case.

Eligibility

5.36 Affordable housing units must be occupied by people in genuine need. People registered on the Plymouth Common Housing register will be eligible for affordable housing provided through the planning system. Key workers in the city are generally earning around or above the average wage for Plymouth and are therefore able to compete in the housing market on a favourable basis. They are not generally reliant on affordable housing. The Council will keep this situation under review and adjust affordable housing requirements accordingly if an affordable need arises.

Delivery and future control

5.37 All affordable housing provided through new residential development is required to be secured as affordable and be retained as such for future eligible households. The delivery of affordable housing on site requires timely completion of affordable housing in line with market housing. This means that not more than 50% of open market dwellings should be occupied unless and until 50% of affordable housing has been completed and made available for occupation, and not more than 90% of open market dwellings should be occupied unless and until 100% of affordable housing has been completed and made available for occupation.

5.38 Where a RSL is not involved in the provision of affordable housing, appropriate planning conditions or planning obligations will be applied to ensure that the benefits of affordability are passed on to subsequent as well as initial occupiers.

Calculating the contributions (off site commuted sums)

5.39 Whilst the Council's preferred approach is the provision of affordable housing on site, Box A3 sets out how off site contributions for social rented and shared ownership units will be calculated:

Box A3: Calculating off site commuted sums from residential development.

Social rented unit contribution = Open Market Value minus the appropriate RSL purchase price (See Table 5.1)

Shared ownership unit contribution = 50% of Open Market Value (OMV)

5.39 The Plymouth Housing Market is considered to be compact and small enough, with good transport links, to be regarded as a single entity. Financial contributions may be pooled with contributions from other developments to further the delivery of affordable housing anywhere in the city, as appropriate and at the discretion of the Council.

Monitoring

5.40 The Council will monitor the delivery of affordable housing delivered through the planning system, including the number, type and the mix of dwellings provided. It will publish the information annually through the LDF Annual Monitoring Report and the Housing Strategy process.

Summary of key points

- The annual affordable housing need from existing and concealed households, allowing for re-lets and assumed new supply, is for 1,854 units, which is greater than the total annual housing provision.
- At least 30% affordable housing will be required from all residential developments of 15 or more dwellings.
- Only where robustly justified might a commuted sum be accepted towards the provision of affordable housing on another site.
- A tenure mix of 60:40 will therefore be sought for all affordable housing split between social renting (60%) and intermediate accommodation (40%).
- The presumption in the policy is that affordable housing should be provided without public subsidy.
- The Council will strongly prefer all on site affordable housing provision to be provided in conjunction with an RSL, as agreed with its Housing Department.
- The type and size of affordable housing should generally reflect that of the overall development.
- The delivery of affordable housing on site requires timely completion of affordable housing in line with market housing.
- Where non viability is claimed, this should be backed up by an “open book” approach. The developer may be required to pay for a valuation by an independent valuer nominated by the Council. This will be submitted to the Council for scrutiny and testing to ensure that it is robust and sound.
- Key workers are currently able to compete in the open housing market, but their needs will be kept under review.

- Affordable properties should be indistinguishable from private market housing.

Further information on affordable housing

PPS3 Housing (2005) is available at www.communities.gov.uk

Delivering Affordable Housing (November 2006) is available at www.communities.gov.uk

Housing Market Information Advice Note (May 2007) is available at www.communities.gov.uk

Draft Revised Regional Spatial Strategy for the South West 2006 – 2026 Incorporating the Secretary of State’s Proposed Changes is available at www.swcouncils.gov.uk

Plymouth Housing Strategy 2008-2011 is available at www.plymouth.gov.uk

Plymouth Housing Market and Needs Assessment (2006) is available at www.plymouth.gov.uk

Homes and Communities Agency Design and Quality Standards (April 2007) is available at www.housingcorp.gov.uk

Homes and Communities Agency Capital Funding Guide is available at www.housingcorp.gov.uk

Chapter 6 Implementation of Obligations

6.1 The following paragraphs detail the Council’s approach to the procedural elements of implementing planning obligation policy.

Pooling of contributions

6.2 The collected tariffs will form a pool of contributions which will be used for delivery of the infrastructure needed to satisfy the cumulative impacts of development. It will enable strategic as well as local infrastructure needs to be met. The Core Strategy (para. 16.9) states that: “It is important that development contributes positively to the city and impacts are appropriately managed. This may include contributing to an infrastructure capital pot to ensure that cumulatively developments deliver solutions to enable the city to grow in a sustainable manner whilst at the same time contributing positively to the City Vision”.

6.3 This approach is recommended in Circular 05/2005, which states that “where the combined impact of a number of developments creates the need for infrastructure, it may be reasonable for the associated

developers' contributions to be pooled, in order to allow the infrastructure to be secured in a fair and equitable way". To achieve the overall implementation of the Core Strategy, the pooling of contributions should reflect the same timescale. The Council will pool contributions over the 2006 -2021 period to ensure that the delivery and management of long term infrastructure integral to the future sustainability of the city is not undermined.

Setting thresholds

- 6.4** A threshold is a widely used mechanism for determining which planning applications need to provide contributions to infrastructure and affordable housing. Current national practice on the use of development thresholds is wide ranging. There is however a strong case for limiting the use of thresholds except where there is clear justification. The key principle is that all developments generate requirements that need to be addressed through planning obligation contributions. The impact of one dwelling in a development of a hundred dwellings is the same as a development of a single dwelling.
- 6.5** Nevertheless, there are two reasons to set a threshold which will assist in the implementation of the Core Strategy. These are:
- to ensure an appropriate balance between securing contributions and achieving regeneration and development objectives;
 - to optimise the use of Council resources.
- 6.6** In simple terms, a low development threshold increases the number of developments requiring Section 106 agreements and the resources required to facilitate this process. There is a balance to be achieved between securing contributions and the cost effectiveness of doing so. By combining a number of individual requirements, it becomes financially viable to collect a tariff from individual properties, thereby spreading the burden and increasing resources to deliver public services and facilities.

Threshold avoidance and legal penalties

- 6.7** The Council is aware, from experience, that some developers may attempt to avoid a planning obligation by reducing the scale of their proposal to avoid a provision threshold; for example, in terms of the provision of affordable housing. If it is considered that a proposed development is not maximising the use of a site to avoid a threshold, the Council may refuse the application or seek obligations from the developer which reflect the best or full use of the land. In addition, if a potentially large development proposal site has been divided into smaller applications below the threshold, the Council will require, for the purposes of a planning obligation, that all the individual proposals are treated as part of the whole development proposal, subject to an appropriate timescale being established for bringing forward subsequent phases of development.

- 6.8** When calculating the residential development tariff, which is based upon the number of bedrooms, the Council will count as a bedroom any room being suitable or capable of being used as such, irrespective of what it may be described as.
- 6.9** In the case of non payment of financial contributions or the non implementation of site specific obligations, the Council will pursue all legal means to secure agreed S106 requirements and additional legal penalties.

Development viability and spatial priorities

- 6.10** The Council acknowledges that, in certain circumstances, a development may not be able to address all of the required planning obligations without the scheme becoming economically unviable. Additionally, in exceptional cases or where provided for specifically through Local Development Documents, certain planning obligation requirements of this SPD might be waived in order to emphasise the need for development to contribute to higher strategic and spatial priorities.
- 6.11** If a developer considers that the Council is placing unreasonable obligations upon a proposal site, then an assessment of development viability can be conducted. The Council will require a developer to adopt an 'open book' approach, whereby relevant development finances are subject to appraisal in order to provide the appropriate and necessary information to support a claim. Details of the information requirements for this process are set out in a Plymouth Viability Protocol in Appendix 2.
- 6.12** The cost of assessing development viability will be met by the developer who is claiming non-viability for the planning application. Abnormal costs should be reflected in the price paid for the site. Demolition of existing structures, site clearance and decontamination should be reflected in the land value. It will not be acceptable to make allowance for known site constraints in any financial viability appraisal.
- 6.13** The Council or appropriate external body will employ confidentiality and discretion with any evidence provided, and this will only be utilised to address and evaluate a specific claim. However, it may be necessary to report the key issues and broad conclusions in reports to elected members at the time of consideration of a planning application. If the Council agrees that a proposal cannot reasonably afford to meet all of the Council's specified requirements, it will not necessarily result in the proposal receiving approval from the Council. It is quite possible that the issues will be so significant that the application will be refused, but in reaching its judgement the Council will consider whether there are overriding benefits in favour of granting permission, and if so will seek to prioritise planning obligation requirements. This judgement will be made on a site by site basis.
- 6.14** The emphasis of the new planning system is to improve the spatial elements of plan making. To deliver the Core Strategy, the locational requirements of particular areas of Plymouth will be taken into consideration through a prioritisation process that is not based on viability.

Priorities will be determined by having regard to Development Plan Document proposals, strategic infrastructure requirements and neighbourhood needs, as identified in the Plymouth Sustainable Neighbourhood Assessments (www.plymouth.gov.uk).

On or off site provision and maintenance payments

- 6.15** The application of the Plymouth Development Tariff does not mean that developments can avoid making land available and delivering on-site local infrastructure (such as open space and play areas), where appropriate on-site infrastructure is required to ensure that the scheme is of an acceptable quality. However, where on-site provision is made the value of this provision will be offset against the tariff which would otherwise be sought.
- 6.16** Where the developer wishes to transfer maintenance and management liabilities of these facilities to the Council, a commuted maintenance sum will be required as a Negotiated Element of the Section 106 agreement (see para. 4.32 above).

Outline applications and pre application discussions

- 6.17** Where outline planning permission is sought, the Local Planning Authority will normally require sufficient information about the amount of development and its end use to enable the level of tariff contribution to be calculated. Where this is not provided, it will generally safeguard its position by assuming that all thresholds are exceeded and require the maximum level of tariff contribution that is compatible with the outline approval sought. However, the legal agreement will be flexible to enable the planning obligation to be adjusted so that it is appropriate to the eventual detailed planning permission (e.g. through the use of formulas rather than set payment figures).
- 6.18** The Council encourages pre-application discussions with regard to planning obligations. The early discussion of planning obligation matters, specific proposals and potential abnormal development costs will provide greater clarity and certainty for developers as to the type and scale of contributions potentially required.

Site specific planning matters outside the remit of the Plymouth Development Tariff

- 6.19** The Council will always seek to address site specific matters through the application of planning policy and the use of conditions. Only where these requirements cannot be met on site will planning obligations be used, through the Negotiated Element, to make the development acceptable on site.

Management fee

- 6.20** It is important that a reasonable management fee is set to allow the Council sufficient resources to monitor and implement planning obligation agreements and deliver an efficient and effective evidence based Section 106 process. The level of the management fee should not undermine development viability, nor reduce the contribution levels to identified obligation matters. All developments that require a S106 agreement to be completed will be required to pay the management fee irrespective of the financial contribution of the development. The Management Fee will be reviewed on an annual basis and published in Planning Services Fees Policy (see <http://www.plymouth.gov.uk> or contact the Planning Service for further information).
- 6.21** The Council also considers that the management fee should be capped to prevent excessive management fees being required from large developments. Management fees will be capped to a maximum of £60,000.

Validation process

- 6.22** Planning applicants will be required to comply with the requirements of Plymouth's Local Validation Agreement so that applications can be validated. Meeting these requirements will enable the Council to process planning applications more efficiently and within the tight timescales set by Government.

Drafting of agreements

- 6.23** Planning Agreements will be drafted by the City Council. Circular 05/2005 (para. B36) promotes the use of 'Standard Agreements' to speed up the preparation of the S106 agreement. The Council will provide standard legal agreements and standard unilateral undertakings. Developments required to contribute in the form of the Plymouth Development Tariff will be required to use standard agreements to enable the determination of planning applications within designated timescales. Model agreements and heads of terms can be downloaded from the Council's web site.

Financial contributions

- 6.24** All financial contributions contained in S106 agreements will be index linked to the date of the Committee, or delegated authority approval. Financial contributions will normally be expected to be paid upon commencement of development (as defined in Section 56 of the 1990 Town and Country Planning Act). However, to support development viability the Council recognises that this will not always be practical. In these circumstances, the Council will accept payments at specific stages during the development process, for example, upon first occupation of half the dwellings etc. Trigger dates for the payment of financial contributions will be included in the S106 Agreement, as will any time periods by which the contribution is to be spent.

- 6.25** Following receipt by the Council, financial contributions will be held in separate accounts. Contributions remaining unspent at the end of a time period specified in the S106 agreement will, on request, be returned to the payee along with any interest accrued. Given that the tariff contributes to infrastructure needs which can take a long time to deliver, the default period will be 15 years from the date of the agreement. The normal period for implementation of a Negotiated Element of a Section 106 agreement will be 5 years from the date of the agreement, although this may vary depending on the precise nature of the obligation.
- 6.26** Applicants will be required to meet their own and the Council's costs of producing planning obligation agreements, whether the agreement is completed or not, including associated legal costs. This is in addition to the management fee (see para. 6.20 above).

Monitoring and management of obligations

- 6.27** The monitoring and management of planning obligations will be undertaken by the Council to ensure that all obligations entered into are complied with on the part of both the developer and the Council, and that all financial contributions are spent in accordance with the Agreement. Enforcement action will be taken by the Council where conditions or planning obligations are not being complied with. The costs of monitoring planning obligations will be covered by the management fee.
- 6.28** Monitoring information detailing the agreements and the progress of agreements will be kept on a database maintained by the Council. The process will provide assurance that obligations have been spent in full and appropriately.
- 6.29** The tariff system will be closely monitored and updated as necessary, having regard to its overall effectiveness, macro and local economic conditions, the emerging national and local policy and financial context, best practice, and the infrastructure delivery requirements of the city.
- 6.30** The tariff approach in this document will also be reviewed once the details of the Community Infrastructure Levy are fully understood. Furthermore, the Council will welcome feedback at any time on the operation, or any other relevant matters in relation to the operation, of this Supplementary Planning Document.

APPENDIX 1: MENU OF MARKET RECOVERY MEASURES

1. Appendix 1 relates to Para 1.8 of the Supplementary Planning Document.

2. Market Recovery Schemes to support development during adverse market conditions may be introduced by the Council. The following list identifies the types of measures that the Council may consider using as part of such Schemes. The aim is to assist developers by allowing them to tailor elements of the S106 agreement so that they are better aligned with the project's risk profile and cash flow. Each Scheme will be clearly publicised, time limited and enacted by a formal resolution of the Council's Cabinet.

INCENTIVE TYPE 1: measures that encourage the early delivery of projects

3. Measures include:

- Discounts on tariff for specified developments (identified as part of the Market Recovery Scheme being enacted).
- Flexibility on affordable housing requirement may be considered (to be specified as part of the Market Recovery Scheme being enacted), together with the possible use of gap funding to support affordable housing delivery.

4. The following conditions must be met to benefit from these discounts / flexibilities:

- Unless specified in the published Market Recovery Scheme, the case should be established through an open book viability appraisal which shows that the development may be unviable under current conditions.
- Developers must agree to a two-year consent, and to make a substantial start on the approved development within two years of the grant of consent.
- Substantial start will be defined in the Planning Agreement, but is likely to require the completion of key sections of infrastructure or the substantial completion of the first units.
- In appropriate cases, consideration will be given to making the consent personal to the applicant.
- For strategically significant development proposals, where the affordable housing provision is critical to the achievement of the Core Strategy's Affordable Housing target or where there are infrastructure issues arising of crucial importance to the city, the Council reserves the right not to agree to a relaxation of its planning obligation requirements.
- Flexible phasing of payments of the discounted tariff may be considered, subject to 'clawback' provisions being incorporated as part of the planning agreement.

INCENTIVE TYPE 2: measures that help developers respond quickly to economic recovery by having 'oven-ready' consents

5. Measures include:

- Extended planning permission periods (up to 7 years).
- Flexible phasing of payments of planning obligation requirements.

6. The following conditions must be met to benefit from these flexibilities:

- Unless specified in the published Market Recovery Scheme, the case should be established through an open book viability appraisal which shows that the development may be unviable under current conditions and that extended permission which includes an assumed improvement in the economy will enhance viability;
- If actual level of payment is to be determined by end value of development, a 'clawback' mechanism will be needed.

INCENTIVE TYPE 3: exemptions from the requirement to pay tariff

7. The Market Recovery Scheme to be enacted might provide for certain types or scales of development to be exempt from paying tariff for a temporary period. The particular exemption will be justified in the Market Recovery Scheme to be published.

General flexibilities in delivery of Planning Services

8. In addition to these specific Market Recovery measures, the Planning Service will at all times be willing to consider flexible and innovative approaches to service delivery that assist the development process, including:

- Positive approach to deeds of variation to assist with re-phasing of Section 106 contributions where this is justified by open-book viability appraisal.
- Improved and quicker pre-application process with opportunity for the Council to work with the developer on Site Planning Statements to provide a clear framework for the planning application.
- An openness to partnership working to help bring forward planning applications for strategic projects identified through the Local Development Framework.

APPENDIX 2: PLYMOUTH VIABILITY PROTOCOL

1. Appendix 2 relates to Para 6.11 of the Supplementary Planning Document.
2. This Protocol is based on guidance from both the HCA (Homes and Communities Agency) and its specialist unit, the Advisory Team for Large Applications (ATLAS). Across a range of policy documents, the characteristics that help facilitate productive engagement between local authorities and developers over viability issues are discussed. The Plymouth Viability Protocol reflects the intent of these documents by providing a broad outline of the Council's requirements for progressing viability discussions.
3. The primary aim of the Protocol is to ensure that planning obligations are implemented fairly. While the Council recognises that there are instances when the development tariff causes projects to become unviable, it also requires developers to provide evidence that ensures agreements are the result of an engagement process that has integrity. Otherwise, there is a risk that some developers contribute to the City's infrastructure needs while others unfairly avoid it.

Early engagement

- 4 The applicant will let the Council know that it plans to raise the issue of viability as soon as it is apparent so that a process to deal with it can be established. This should be during the pre-application stage, as it will be expected that the developer has already incorporated the impact of the tariff of their project. Early engagement gives the developer the opportunity to present their case and provides adequate time to scope the relevant viability issues, plan the work programme, agree on an analytic approach/model, and table the delivery mechanisms that will be used (in the event that it is necessary).
- 5 On some applications, or as part of a S106 agreement, a 3rd party appraisal may be required. In this case, the developer, the Council, and the 3rd party consultant will meet together to scope the details of the appraisal.

An agreed platform for viability analysis

- 6 If the developer and the planning authority agree that a development appraisal will be a basis for discussions, a model and its inputs will be accessible to both parties. When a developer provides their own model to the Council, they should be prepared to present it in a form that enables the Council to interrogate its underlying structure and assumptions. If the appraisal is created by a 3rd party, the Council will be provided with the model's data as it is made available.

- 7 The computer programme used to create the viability model will be agreed between the developer and the Council. This could be a simple, well-specified model in Excel; the widely-used affordable housing models by Three Dragons or HCA/GVA Grimley's ("Economic Appraisal Tool"); packages commonly used in commercial property such as Argus Developer, ProVal, ProDev or KEL; or any other model that effectively conveys a project's financial viability. In the event that the developer uses a proprietary programme, the developer should be prepared to provide the Council with the opportunity to interrogate its underlying structure and assumptions. It may be that a proprietary model lacks the qualities necessary to facilitate the viability exercise and the exploration of mechanisms to improve viability. In that case, another format will be used.
- 8 In the event that a developer opts for a simple spreadsheet model, at the very least they will need to include assumptions and evidence for the following items:
 - Site and/or building acquisition costs
 - Construction costs and programme
 - Fees, finance and all other associated costs
 - Projected development value
 - Gross and net development profit margin
- 9 In the event that the Council has questions about the model's assumptions or asks for more detail, the developer will provide supporting evidence which reveals the basis of the assumptions. Evidence could be from sources such as the Building Cost Information Service (BCIS), SPON's Architects' and Builders' Price Book or Valuation Office Agency (VOA) data. For rental and sales data (including yields), it is expected that the developer will provide evidence of market transactions.
- 10 In the event that the project has abnormal costs, these should be disaggregated, backed up by evidence and reflected in the fixed land value (if appropriate). Abnormal costs include the demolition of existing structures, site clearance and decontamination.

Discussing viability and reaching agreement

- 11 The starting point for any discussion should be based on a model that illustrates a development's viability in light of the Council's existing policies with regard to affordable housing and the Plymouth Development Tariff. Only by creating a model that incorporates these development costs can the level of viability be established.
- 12 If it is found that there are discrepancies between the assumptions in a developer's viability model and the Council's evidence, the developer must provide satisfactory evidence that justifies the discrepancy.
- 13 In the event that the initial appraisal exercise establishes that viability is an issue, the next step is for the developer and the Council to use the appraisal model as a tool to discuss possible solutions for delivering a viable scheme. These will include the mechanisms initially tabled.

- 14 In order to explore phased payments and/or a clawback mechanism, it will be necessary to use a cash flow model to explore the range of options and to measure the relative impacts of different potential solutions on project viability.
- 15 In the event that the developer and the tenant agree to enter into a clawback arrangement, it will be necessary for additional appraisals to be done over the course of the development. In the event that the developer will be providing internal information about costs, lettings, sales and other information germane to the development's viability, the evidence shall be certified.

APPENDIX 3: GUIDE TO PLANNING OBLIGATIONS BY USE CLASSES ORDER

Use Class	Local infrastructure							Strategic infrastructure					Threshold below which no tariff sought	Exemptions
	Primary schools	Local health	Libraries	Local Green	Play Space	Playing Pitches	Strategic Green Space	Plymouth EMS	Sports Facilities	Public Realm	Transport			
A1 Shops												✓	500 sq m gross internal	
A2 Financial & Professional Services												✓	500 sq m gross internal	
A3 Restaurants & Cafes												✓	500 sq m gross internal	
A4 Drinking Establishments												✓	500 sq m gross internal	
A5 Hot Food take-Away												✓	500 sq m gross internal	
B1 Business												✓	500 sq m gross internal	
B2 General Industrial												✓	500 sq m gross internal	
B8 Storage & Distribution												✓	500 sq m gross internal	
C1 Hotels												✓	500 sq m gross internal	

Use Class	Local infrastructure						Strategic infrastructure					Exemptions	
	Primary schools	Local health	Libraries	Local Green	Play Space	Playing Pitches	Strategic Green	Plymouth EMS	Sports Facilities	Public Realm	Transport		Threshold below which no tariff sought
C2 Residential Institutions	✓	✓	✓	✓							✓	10 bed spaces or more	1. Charities developing for charitable purposes. 2. Community and voluntary sector uses. 3. Development of public infrastructure.
C2A Secure Residential Institutions													
C3 Dwelling Houses	✓	?	?	✓	✓	✓	✓	✓	✓	✓	✓	5 dwellings	1. Affordable housing. 2. Charities developing for charitable purposes. 3. Community and voluntary sector uses. 4. Sheltered housing is not required to contribute towards education.
Houses in Multiple Occupation (C4 & sui generis)	?	?	?	✓	✓	✓	✓	✓	✓	✓	✓	10 bed spaces	1. Charities developing for charitable purposes. 2. Community and voluntary sector uses.

Use Class	Local infrastructure						Strategic infrastructure					Exemptions	
	Primary schools	Local health	Libraries	Local Green Spaces	Play Space	Playing Pitches	Strategic Green Spaces	Plymouth EMS	Sports Facilities	Public Realm	Transport		Threshold below which no tariff sought
Sui Generis Purpose-built student accommodation		?	?	✓		✓							1. Charities developing for charitable purposes. 2. Community and voluntary sector uses.
D1 Non-residential Institutions													
D2 Assembly & Leisure										✓	500 sq m gross internal		1. Charities developing for charitable purposes. 2. Community and voluntary sector uses. 3. Development of public infrastructure.

? = potentially a requirement for tariff depending on local need

✓ = generally a requirement for tariff to meet cumulative impacts arising from growth of the city on strategic infrastructure

In relation to all Use Classes, a negotiated element may be required as necessary to address local impacts. This will be determined on a case by case basis.

CITY OF PLYMOUTH

Subject: Review of Local Development Scheme
Committee: Cabinet
Date: 13 July 2010
Cabinet Member: Councillor Fry
CMT Member: Director for Development and Regeneration
Author: Jonathan Bell, Head of Development Planning
Contact: Tel: 01752 304353
e-mail: jonathan.bell@plymouth.gov.uk
Ref: JAB
Part: I

Executive Summary:

The Local Development Scheme (LDS) is a three year project plan setting out the planning documents that the City Council will prepare as part of the Local Development Framework (LDF). It includes:

- A list and description of local development documents to be prepared as part of the LDF
- A timetable for the preparation of these documents
- Information on the current status of previous planning policy documents
- Other general information as required by legislation.

The current version of Plymouth's LDS was adopted by the City Council on 7 April 2009. Although the LDF timetable is kept under constant review by the Cabinet Member for Planning, Strategic Housing and Economic Development, significant amendments to the LDS itself need to be agreed by Cabinet and by Government Office South West. The key changes proposed in this LDS review include:

- Updating of the policy schedule which identifies which past policy documents are 'saved' pending completion of the LDF work programme
- Amendments to the timetable, including an update on the Derriford & Seaton Area Action Plan (AAP) programme which is being adjusted to allow for additional consultation on options for a proposed district centre
- Amendments to the list of Local Development Documents under preparation.

Corporate Plan 2010-2013:

The LDS directly supports the delivery of Corporate Improvement Priority (CIP) 12, which relates to the delivery of sustainable economic and housing growth. It sets out the programme for the LDF, which is a key driver of the growth agenda.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Each LDF document incurs costs in relation to evidence base, community engagement, implementation of statutory processes, publication of documents and Public Examinations. These costs are met from the Spatial Planning budget. The programme set out in the report is able to be funded from this budget, although it will be kept under review through the Council's medium term financial planning process.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

The LDF will directly support the promotion of community safety through the provision of policies to influence the design and nature of physical development. Equality impact assessments are undertaken for each Development Plan Document, usually at submission stage.

The LDS is a critical document for managing main risks associated with Risk 51 on the Council's Strategic Risk Register: 'Failure to deliver sustained and accelerated economic and population growth.' It is the means by which one of the existing control measures is delivered, namely a prioritised LDF programme focussed on the delivery of the growth agenda.

Recommendations & Reasons for recommended action:

It is recommended that the Cabinet:

- 1 Approve the revision to Plymouth City Council's Local Development Scheme, to take effect from 24 July 2010, pursuant to Regulation 11 of the Town and Country Planning (Local Development) (England) Regulations 2004, as amended.

Reason: To comply with the planning legislation and enable the City Council to progress its Local Development Framework in accordance with Corporate Improvement Priority 12. The 24 July 2010 is the earliest date that the LDS can take effect given the City Council's constitutional arrangements.

Alternative options considered and reasons for recommended action:

The main alternatives relate to the content of the LDS rather than whether or not to adopt it. Failure to adopt an LDS would have ramifications for the Council's performance in relation to the proactive use of planning policy to drive the growth agenda.

Background papers:

LDF Core Strategy, adopted April 2007

LDF Local Development Scheme – Adopted, April 2009.

LDF Annual Monitoring Report, December 2009.

Sign off:

Fin	KF DevF1011 0004	Leg	JAR/10/1 51	HR	N/ A	Corp Prop	N/ A	IT	N/ A	Strat Proc	N/A
Originating SMT Member Paul Barnard, Assistant Director of Development (Planning Services)											

1.0 BACKGROUND

- 1.1 The Local Development Scheme (LDS) defines the scope of and a three-year rolling programme for producing Plymouth's Local Development Framework (LDF). It explains:
- What documents are going to be produced, by whom and when;
 - How these documents will provide the framework for considering the long term social, economic, environmental and resource impacts of development on the city.
 - The current status of other planning policy documents.
- 1.2 The intention is that the LDS will:
- Assist the community's understanding of and involvement in the new planning system. It complements the Statement of Community Involvement (SCI) which explains Plymouth's approach to engaging people in the planning process;
 - Provide a 'three year Project Plan', to ensure the timely production and review of Plymouth's LDF;
 - Enable the Council, other Agencies and key stakeholders to coordinate their investment programmes.
- 1.3 Plymouth's original LDS was submitted to Government Office South West (GOSW) for its approval in January 2005 (and adopted in July 2005). Since then, it has been rolled forward on an annual basis, in response to issues raised through the LDF Annual Monitoring Report and other matters that arise during the course of the year.

2.0 CURRENT REVIEW

- 2.1 The Council has made excellent progress in meeting its LDS targets. Not only was it the first city in the country to have a sound Core Strategy, but it is leading the way nationally in terms of both the number of Area Action Plans (AAPs) and other Development Plan Documents (DPDs) prepared, as well as being widely quoted as the example of LDF best practice. A key feature of these documents is that they are delivery focussed, with an emphasis on ensuring that the planning process in Plymouth is a positive factor in helping drive the city's quality growth agenda.

Adopted Development Plan Documents:	Adoption Date:
(1) Plymouth's Core Strategy (including Criteria Based Policies)	23/04/07
(2) North Plymstock Area Action Plan and (3) Minerals DPD	06/08/07
(4) Devonport Area Action Plan	06/08/07
(5) Millbay and Stonehouse Area Action Plan	06/08/07
(6) Waste Development Plan Document	21/04/08

(7) Sutton Harbour Area Action Plan	28/07/08
(8) Central Park Area Action Plan	22/09/08
(9) City Centre & University Area Action Plan	26/04/10
Adopted Supplementary Planning Documents:	Adoption Date:
(10) Planning Obligations & Affordable Housing SPD	01/12/08
(11) Design SPD	06/07/09
(12) Development Guidelines SPD (including Coastal Planning)	26/04/10

2.2 The LDS now needs to be reviewed for the following reasons:

- To clarify the position on 'saved' policy documents such as the First Deposit Local Plan, whose status was an issue in a recent appeal decision relating to a proposal at Baylys Road, Oreston;
- To provide an update on progress in relation to the Derriford & Seaton Area Action Plan, given a changing planning context for the development of a major district centre;
- To reprogramme the LDF in order to deliver efficiencies and financial savings in support of the wider budget context.

'Saved' policies

2.3 The basic principle applied is that policy documents pre-dating the Local Development Framework remain as potentially material considerations in the planning process until such time as they are replaced by the relevant Local Development Framework documents. Appendix 1 to the LDS identifies saved and cancelled documents.

2.4 The key change to the 2009 LDS is that it is now proposed to formally abandon the First Deposit Local Plan (FDLP) in its entirety, along with a range of earlier Planning Studies and briefs. The primary reason for this is that the Core Strategy now sets a robust policy framework for making decisions on planning applications and although there are parts of the city which still do not have site allocations under the LDF regime, the previously 'saved' policies for these areas are now substantially out of date. Site Planning Statements may be prepared for some of the larger sites affected by this change, in consultation with the local community, where there is a need for an interim position pending completion of the LDF process.

2.5 It should be noted that the FDLP's cancellation does not mean that information contained in the Plan will cease to have any relevance. The FDLP still includes a significant amount of background and contextual information on issues and sites, as well as including schedules identifying local shopping centres and greenscape areas. This information may still be helpful to the consideration of proposals. However, the FDLP in itself will carry no policy weight.

- 2.6 The previously 'saved' policies now formally cancelled will be (subject to approval of this report):
1. First Deposit Local Plan, 2001
 2. Drake's Island Planning Brief, 1995
 3. Hooe Lake Planning Study, 1993 & Review, 1999
 4. Planning Brief for Royal Marines Barracks, Seaton, 1997
 5. Planning Brief for Plymouth Guildhall, 1999
 6. All Planning Guidance Notes (these are now replaced by the Adopted Development Guidelines SPD)

Derriford & Seaton Area Action Plan programme alterations

- 2.7 There is a need to change the programme for preparing the Derriford & Seaton Area Action Plan (AAP) to incorporate an additional period of time for stakeholder consultation and engagement relating to the proposal for a new major district centre.
- 2.8 The Core Strategy sets out the Council's high level aspirations for the Derriford area, which includes 'putting a new heart into northern Plymouth' (para. 5.73). In support of this aspiration, Area Vision 9 includes an objective to develop a new district shopping centre, centred on the west side of the A386 with the potential to grow in the long term. The west rather than east side of the A386 has been considered as the preferred location for the focus of the centre on three grounds:
1. It is well related to the identified spatial gap in retail provision, which lies to the north west.
 2. It has the greatest potential for active frontage to the A386, which is important to achieving an appropriate urban form.
 3. It has the greatest potential to grow in the long term.
- 2.9 The question of the location of the district centre came under scrutiny at the Core Strategy Public Examination. The Inspector highlighted the need for interests in the area to wait for the precise location of the centre to be determined by 'proper survey, analysis and plan work' (para. 3.22 of Inspector's report). However, he concurred with the Council that, on the balance of evidence at the time, the centre's focus should be on the west and not the east of the A386. The Inspector acknowledged that the east had some advantages in relation to the proximity of the hospital and employment uses. However, he was of the view that the potential for growth and success of the centre was greater on the west side with a focus on the residential areas to the north and west.
- 2.10 Core Strategy Strategic Objective 7 identifies the delivery of this district centre as important to remedy an existing gap in the spatial distribution of food shopping in the city, and includes a specific target for the centre to be delivered (at least as a first phase) by 2016 but with the potential to grow in the long term. It is therefore not merely the Core Strategy's aim to achieve a major new centre in the long term which helps to transform the north of Plymouth through providing a new heart for this area, but also to meet an existing need during the first part of the Plan-period through a first phase (food-led) scheme.
- 2.11 Since the Derriford & Seaton AAP Issues & Preferred Options report was published in January 2009 the Council has undertaken more detailed work on the possible make-up and deliverability of the district centre. This work has been published in 2

key studies: LDA's Derriford Development and Masterplan Framework Reports, published in February and March 2009 respectively, which looked at urban constraints and opportunities to help inform the potential urban form of the centre; and Cushman & Wakefield's Report on Derriford's Proposed New District Shopping Centre, published in November 2009, which advised on key deliverability issues and informed the phasing and land use components of the centre.

- 2.12 Also of relevance, since January 2009, is the submission of two planning applications, one for a major extension to Tesco's in Honicknowle and the other for a mixed use scheme with a new food store at North West Quadrant (on the east side of the A386). Both of these projects are potentially direct threats to the Core Strategy's aspiration for the new centre to be located on the west side of the A386. These schemes have come forward at a time when little, if any, progress has been made by the landowners and developers with an interest in the preferred new district centre sites on the western side of the A386 (which covers the area from the B&Q site in the north to the South West Water reservoir in the south).
- 2.13 The culmination of these factors means that it would now be prudent for the Council to undertake further more detailed work, in discussion with stakeholders on both the west and east sides of the A386, in order to determine whether the Core Strategy's aspiration to deliver phase one of a new district centre by 2016, focussed on the west of the A386, should be maintained.
- 2.14 Should this no longer be a realistic expectation, and if there is a clear planning case which demonstrates how this could be achieved without compromising the key objectives for the development, an AAP is able to amend elements of an Area Vision set out in the Core Strategy (Core Strategy para. 5.3 refers). Such a case could perhaps be made if there was no reasonable prospect of delivering a centre on the west side of the A386 within an acceptable timeframe, and if a site on the east of the A386 could be shown to be deliverable within such a timeframe whilst also meeting other key requirements, such as:
- long term growth potential,
 - frontage to the A386;
 - a high quality mixed use urban form
 - being accessible to satisfactorily serve both the resident and working communities in this area.
- 2.15 It is therefore proposed to amend the LDF programme to provide adequate time to address these issues thoroughly. This is considered a necessary step to achieve a sound AAP.

Other programme changes

- 2.16 One of Planning Services budget action plan commitments is to deliver savings in the preparation of the LDF. This can be achieved through 'pairing up' the remaining Development Plan Documents. This will deliver financial savings through the integration of plan-preparation processes (i.e. consultation; submission and public examinations), enabling a reduced number of advertisements, consultation processes, publications and shared use of the time of a Planning Inspector and Public Examination Programme Officers.

- 2.17 The documents with greatest synergy, and thus greatest potential to deliver savings through being paired together are:
- the Sustainable Neighbourhoods Development Plan Document and Urban Fringe Development Plan Document
 - the Hoe and East End Area Action Plans.
- 2.18 Additionally, the Core Strategy Review has been pushed further back in the programme to 2014, deferring the need for some evidence base studies and the costs associated with preparing the new Core Strategy. Proactive use will be made of the Annual Monitoring Report in the interim to flag up any key issues requiring policy change.
- 2.19 Savings will also be achieved by cancelling the earlier proposal to prepare a Green Spaces Supplementary Planning Document. The requirements of this SPD will instead be met through a refreshing of the Greenscape Study in support of the Core Strategy's policies on protecting green spaces.

Revised timetable

- 2.20 The revised timetable is set out below:

Document	Consultation on issues / preferred options (DPDs only)	Consultation on pre-submission (DPD) / draft plan (SPD)	Submission to GOSW (DPDs only)	Adoption	Adoption date in April 2009 LDS
Planning Obligations & Affordable Housing SPD First Review	n/a	Feb-Mar 2010	n/a	Aug 2010	n/a
Derriford & Seaton AAP	Feb-Mar 2009 (completed)	Nov-Dec 2010	Feb 2011	Jan 2012	May 2011
Shopping Centres SPD	n/a	Nov-Dec 2010	n/a	July 2011	July 2011
Sustainable Neighbourhoods DPD	Nov-Dec 2010	Oct-Nov 2011	Mar 2012	Mar 2013	Feb 2012
Plymouth Urban Fringes DPD (joint with S Hams DC)	Nov-Dec 2010	Oct-Nov 2011	Mar 2012	Mar 2013	Feb 2012
East End AAP	Dec 2010-Feb 2011	Nov-Dec 2012	Mar 2013	Mar 2014	Jan 2013
Hoe AAP	Dec 2010-Feb 2011	Nov-Dec 2012	Mar 2013	Mar 2014	Nov 2013
Core Strategy First Review	Jan-Feb 2014	Jan-Feb 2015	May 2015	May 2016	Feb 2014

- 2.21 GOSW and the Planning Inspectorate have been consulted on this revised LDS. They have raised no objections to the proposed programme changes and GOSW have indicated that they are happy in principle to sign off the LDS revisions when all the changes are fully documented in the LDS.

3.0 CONCLUSIONS

- 3.1 The LDS is a strategically significant document for Plymouth and for its wider sub-region. It articulates key development priorities, which will be addressed through Local Development Documents, and as such will help to drive the delivery of the growth agenda. In addition, it supports the delivery of wider corporate priorities through ensuring that an appropriate planning framework, including land allocations, is in place to address issues such as the need for new economic development, cultural, social, transport and environmental infrastructure.

LOCAL DEVELOPMENT SCHEME 2010-2013

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1. PURPOSE OF THE LDS

- 1.1. The Local Development Scheme (LDS) defines the documents that will form Plymouth's Local Development Framework (LDF), setting out:
 - What documents are going to be produced, by whom and when
 - The purpose of and relationships between these documents, explaining how these documents provide the framework for considering the long term social, economic, environmental and resource impacts of development on the city.
 - The current status of other planning documents
- 1.2. The intention is to assist the community's understanding of and involvement in the new planning system. The LDS also provides a three year rolling Project Plan, to ensure the timely production and review of Plymouth's LDF, as well as enabling the Council, other Agencies and key stakeholders to coordinate their investment programmes.

2. PLYMOUTH'S LDF CONTEXT

Policy Context

- 2.1. Plymouth's LDF policy context is determined by national and regional guidance. These set new challenges to 2026 and beyond.
 - At the national level, the emphasis is on turning Britain's towns and cities back into thriving centres of activity. Explaining how Plymouth can achieve its 'urban renaissance' is at the heart of the city's LDF.
 - At the Regional level, while Regional Planning Guidance for the South West (RPG10) is still the adopted Regional Spatial Strategy (RSS), the revised draft RSS has been considered at examination and the Secretary of State has published her proposed revisions for comment. However, it should also be noted that with a change of government in May 2010, the new administration has set out a clear intention to abolish the Regional Spatial Strategy. In these circumstances, while it still remains a statutory duty to have regard to the RSS, consideration needs to be given to the expectation in RSS that Plymouth will:
 - take measures to revitalise the city through significant growth in economic activity and housing - realising its potential to accommodate development in a sustainable way and enhancing its role as a sub-regional centre
 - play a wider strategic role by building on its potential as a major regional service centre and becoming the economic hub of the far South West.

Process Context

- 2.2. How we produce Plymouth's LDF is defined by the national legislative and regulatory framework. However, there have been a number of recent changes to the process of preparing LDFs, through the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.
- 2.3. The most significant change relates to a reduction in the mandatory public consultation stages from three to two – at the Issues /Options stage and at the Pre-submission stage. Consulting at the Preferred Options stage is no longer a requirement.
- 2.4. These changes do not alter the principle of ensuring continuous and effective public engagement throughout the LDF process. However, they offer advantages - in terms of reducing 'consultation fatigue', as well as allowing for the plans

soundness to be considered before its submission and examination. In order to take advantage of these changes, the timetable for completing Plymouth's current LDF work programme has been revised in this LDS.

3. PLYMOUTH'S RESPONSE

Current LDF Position

3.1. Plymouth's original LDS was submitted to Government Office South West (GOSW) in January 2005 (adopted July 2005). Since that time, the Council has made very rapid progress, having adopted 9 of its 14 proposed Development Plan Documents (DPDs).

3.2. By April 2010, the following DPDs had been adopted:

LDF Document:	Adoption Date:
(1) Plymouth's Core Strategy (including Criteria Based Policies)	23/04/07
(2) North Plymstock Area Action Plan and (3) Minerals Development Plan Document	06/08/07
(4) Devonport Area Action Plan	06/08/07
(5) Millbay and Stonehouse Area Action Plan	06/08/07
(6) Waste Development Plan Document	21/04/08
(7) Sutton Harbour Area Action Plan	28/07/08
(8) Central Park Area Action Plan	22/09/08
(9) City Centre & University Area Action Plan	26/04/10

Adopted Supplementary Planning Documents:	Adoption Date:
(10) Planning Obligations & Affordable Housing SPD	01/12/08
(11) Design SPD	06/07/09
(12) Development Guidelines SPD (including Coastal Planning)	26/04/10

3.3. Progress in delivering the anticipated outcomes from these plans, as well as their need for review, is being monitored on a regular basis and reported on through the Annual Monitoring Report (AMR).

Response to National and Regional Policy

3.4. The Council has already made considerable progress in responding to the national and regional challenges. The City's long term vision and overall delivery strategy is defined through its adopted LDF documents. The approach is to use the emphasis on providing new homes, jobs and services as a positive catalyst for change – promoting sustainable forms of development which meet local aspirations and promote the city's regeneration.

3.5. The LDF has incorporated the vision, aims and objectives of Plymouth's Sustainable Community Strategy - aspiring to create a city which is: **'One of**

Europe's finest waterfront cities, where an outstanding quality of life is enjoyed by everyone.'

- 3.6. It provides the mechanism to deliver key elements of this vision, in terms of promoting: - A healthy place to live and work; A city which creates and shares prosperity; A safe and strong city and; A location for learning, achievement and leisure. It has been informed by the Corporate Plan and other council strategies, and already provides a statutory policy base for delivering real improvements to the quality of people's lives in a way that truly reflects the aspirations of local communities.
- 3.7. In delivering Plymouth's vision, the Core Strategy defines a significant step change in the quality, pace and intensity of development. It sets out how Plymouth's potential for long term sustainable growth, as well as its wider regional role as the economic hub of the far South West, can be realised based on the priorities of:
- Re-building the city's communities – using our heritage to its best advantage
 - Prioritising the city's waterfront areas for regeneration
 - Using the opportunities on Plymouth's eastern and northern corridors to provide an appropriate range, mix and type of development, as well as ensuring flexibility to accommodate long term change
 - Helping diversify the city's economy and accommodate growth by delivering 27,500 new jobs, 32,000 homes, 172,000 sq.m. of comparison retail, together with new schools and other supporting infrastructure
 - Living within environmental limits by moving towards carbon neutrality, including promoting sustainable transport
 - Increasing the city's critical mass to support the services needed, with an anticipated population growth to some 300,000+ by 2026 and beyond.
- 3.8. Significant developments have been completed, or are underway, to deliver key elements of this vision. Further major opportunities are being brought forward through the LDF process. The city also continues to work closely with the surrounding Local Authorities, in particular South Hams District Council, to ensure a co-ordinated approach to development across the city boundary through a set of proposed wider sub-regional governance arrangements.

Process

- 3.9. While the Council will benefit from taking advantage of the LDF regulations, it needs to do so in a way that is consistent with the approach it has used so far. In response, the Council has adopted a process, which it believes reflects the advantages of both the old and new LDF system, as well as retaining a familiarity with the way local residents have become used to interacting with the LDF system.
- 3.10. The approach adopted by the Council for preparing its statutory LDF documents is as follows:
- Stage 1, Plan Preparation (Regulation 25):** - To undertake both evidence base studies, as well as discuss with interested parties what needs to be done in an area and how this could best be achieved – i.e. establish the issues and prioritise the various options.
- Stage 2, Issues and Preferred Options Consultation:-** To publish the stage 1 results as a city wide milestone consultation, for the statutory 6 week period, enabling everyone to comment on all the Issues and Preferred Options for an area. (This in effect combines the old Issues and Options with the Preferred Options consultations into a new milestone consultation).
- Stage 3, Pre-submission Consultation (Regulation 27):-** Based on the outcomes from the stage 2 'Issues and Preferred Options' consultation, the

Council will prepare the final LDF document for submission. The process of engagement with key stakeholders will continue throughout this Plan Making stage.

However, before submitting the LDF document to the Secretary of State, the Council will hold a city wide pre-submission consultation, for the statutory 6 week period, to establish whether there are any matters that would call the soundness of the plan into question, as well as deal with editorial corrections etc.

Stage 4, Submission, Examination and Adoption:- Assuming no major issues arise from the Stage 3 consultation, the document will be submitted, along with all the representations made at the pre-submission consultation stage, to enable the document to be considered at examination by an independent planning inspector. The inspector's report is binding on all parties and forms the basis for the Council's adoption of the final document.

4. FUTURE WORK PROGRAMME

- 4.1. This LDS is the fifth review of the Council's LDF work programme. It defines the documents, and sets out the work programme needed to complete Plymouth's LDF
- 4.2. While considerable progress has been made on preparing the remaining LDF documents, the programme for their completion will need to be changed to accommodate the following:
 - Accommodating evolving issues and priorities within the city that have been highlighted through the Plan, Monitor and Manage approach to planning. This includes the need for further evidence base studies to support the evolving DPDs, as well as the changing context for the delivery of a major District Centre through the Derriford and Seaton Area Action Plan.
 - Clarification of the position on 'saved' policy documents such as the First Deposit Local Plan, which has now been superseded by the adopted LDF documents.
 - Reprogramming of some DPDs in order to deliver efficiencies and financial savings in support of the Council's wider budget context
 - Recognition that, in due course, there will be a need to review Plymouth's LDF in response to potential changes to the national legislative framework, including the abolition of Regional Strategies.

This revised LDS reflects the consequences of these matters on the following.
- 4.3. **Derriford & Seaton Area Action Plan (Profile 10 refers):**
This document sets the context for coordinating major area based initiatives in northern Plymouth.
- 4.4. Its production started in Spring 2005 with an Issues and Options report. Since then, the Core Strategy Vision Statement for Derriford and Seaton has been adopted. However, following on from the Core Strategy debate it became evident that further more detailed studies would be needed on shopping provision, transport infrastructure, master planning and green infrastructure - examining how the different aspects of this vision can best be delivered. These matters were consulted on through an Issues and Preferred Options consultation in February 2009.
- 4.5. Since the Derriford and Seaton AAP Issues & Preferred Options consultation in 2009, the Council has undertaken and published more detailed work on the possible make-up and deliverability of the District Centre. This has included LDA's Derriford Development and Masterplan Framework reports, which looked at urban

constraints and opportunities to help inform the potential urban form of the centre; as well as Cushman and Wakefield's Report on Derriford's Proposed New District Shopping Centre, which advised on key delivery issues. The Council has followed up the publication of these reports through a series of meetings with all key stakeholders. These meetings have in turn led to the Council undertaking further more detailed work and engagement with all interested parties, in order to determine whether the Core Strategy's aspiration to deliver phase one of a new District Centre by 2016, focused on the west of the A386, should be maintained.

- 4.6. The timetable for producing this document has been re-programmed to reflect the consequences of undertaking additional evidence base studies, and provide adequate time to address these issues thoroughly.

Other Programme Changes

- 4.7. In response to the Planning Services budget action plan commitments to deliver savings in the preparation of the LDF, this will be achieved by re-programming the remaining LDF documents to be completed so that they are produced in pairs, thus making savings on the consultation, submission and examination stages. This has the following implication for Plymouth's remaining LDF programme.
- 4.8. **Sustainable Neighbourhoods (Key Site Allocations) Development Plan Document (Profile 4 refers):**
This document sets out the key development proposals to implement the vision, aims and objectives of the Core Strategy for the remainder of the city outside the AAP areas.
- 4.9. Its production started in the summer of 2007 with an extended Issues and Options consultation of the city's neighbourhoods, based on the broad framework for change provided by the adopted Core Strategy. This initial consultation stage was completed with a city wide 'Big Picture' consultation event in July 2008.
- 4.10. However, this work programme was delayed by the need to respond, through further evidence base studies, to the Secretary of State's proposed revisions to the Regional Spatial Strategy, which proposed considerable increases to the housing allocations for both Plymouth and Plymouth's Urban Fringe (in South Hams).
- 4.11. The timetable for producing this document has been re-programmed to reflect the consequences of undertaking this additional evidence base work, as well as reprogramming this DPD as a consequence of changes to the timetable for other AAPs, including re-aligning it to the work programme for the new Urban Fringe DPD.
- 4.12. The intention is to publish an Issues and Preferred Options consultation, alongside that for the Urban Fringe DPD, at the end of 2010, leading to its adoption in March 2013.
- 4.13. **Plymouth's Urban Fringe Development Plan Document (Joint working with South Hams and Devon County – Profile 4a refers):**
This is a Development Plan Document to be prepared jointly with South Hams District Council, setting out the key development proposals required to implement the vision, aims & objectives of both Plymouth and South Hams' Core Strategies in so far as they relate to Plymouth's urban fringe. This document will be prepared jointly by Plymouth City Council and South Hams District Council, together with Devon County Council.
- 4.14. In preparing this document, the Council will undertake a number of evidence base studies with a view to consulting on the Issues and Preferred Options at the end of

2010. It is intended to progress this document, alongside the Sustainable Neighbourhoods (Key Site Allocations) DPD, to its adoption stage in March 2013.

- 4.15. **East End Area Action Plan (Profile 13 refers):**
This document sets the context for neighbourhood renewal and promoting sustainable transport solutions for the City's East End and Eastern Gateway.
- 4.16. Its production started in Spring 2005 with an Issues and Options report. Since then, a framework for change has been agreed with the adoption of the Core Strategy East End Vision Statement. However, following on from the Core Strategy debate it became evident that further studies on the transport options, major hazard sites implications and master planning work on the various opportunity sites were needed, to consider how best the different aspects of the East End vision can be delivered.
- 4.17. The intention is to publish an Issues and Preferred Options consultation, alongside that for the Hoe AAP, at the end of 2011, leading to its adoption in 2014.
- 4.18. **Hoe Area Action Plan (Profile 14 refers):**
This document sets the context for regenerating the Hoe Foreshore – an historically and environmentally important area of Plymouth.
- 4.19. Its production started in Spring 2005 with an Issues and Options report. Since then, a framework for change has been agreed with the adoption of the Core Strategy Hoe Vision Statement. However, following on from the Core Strategy debate it became evident that a further understanding of the tourism implications was needed to inform the strategy for delivering the Hoe vision.
- 4.20. The intention is to publish an Issues and Preferred Options consultation, alongside the East End AAP, at the end of 2011, leading to its adoption in 2014.
- 4.21. **Preparation of Supplementary Planning Documents:**
The city has an agreed timetable for producing supporting Supplementary Planning Documents, to amplify Policies in the Core Strategy.
- 4.22. To date the Council has adopted SPD relating to Planning Obligations and Affordable Housing (adopted 01/12/08), a Design SPD (adopted 06/07/09), and a Development Guidelines SPD, which includes advice on Coastal Planning matters, (adopted 26/04/10).
- 4.23. An SPD for Shopping Centres is expected to be consulted on and adopted during 2010 /11. It should be noted that it has also been decided that the proposed SPD on Green Space is no longer proposed, as its purpose can be met through a refresh of the Greenscape Study in support of the Core Strategy policies on protecting green spaces. The need for further SPDs will be kept continuously under review.
- 4.24. **Clarification of the remaining arrangements:**
Now that Plymouth's Local Development Framework has been adopted (April 2007), the statutory parts of this LDF, together with the statutory Regional Spatial Strategy, are the 'Development Plan' documents for the City. Plymouth's LDF has therefore replaced the adopted Local Plan, and has taken over the role of the First Deposit Local Plan as a 'material consideration' in dealing with planning matters. Appendix 1 to the LDS identifies saved and cancelled documents.
- 4.25. The key change in this 2009 LDS is that it is now proposed to formally abandon the First Deposit Local Plan (FDLP) in its entirety, along with a range of earlier Planning Studies and briefs. The primary reason for this is that the Core Strategy now sets a robust policy framework for making decisions on planning applications and although there are parts of the city which still do not have site allocations

under the LDF regime, the previously 'saved' policies for these areas are now substantially out of date. Site Planning Statements may be prepared for some of the larger sites affected by this change, in consultation with the local community, where there is a need for an interim position pending completion of the LDF process.

- 4.26. It should be noted that the FDLP's cancellation does not mean that information contained in the Plan will cease to have any relevance. The FDLP still includes a significant amount of background and contextual information on issues and sites, as well as including schedules identifying local shopping centres and greenscape areas. This information may still be helpful to the consideration of proposals. However, the FDLP in itself will carry no policy weight.
- 4.27. The previously 'saved' policies now formally cancelled will be:
- First Deposit Local Plan, 2001
 - Drake's Island Planning Brief, 1995
 - Hooe Lake Planning Study, 1993 & Review, 1999
 - Planning Brief for Royal Marines Barracks, Seaton, 1997
 - Planning Brief for Plymouth Guildhall, 1999
 - All Planning Guidance Notes (these are now replaced by the Adopted Development Guidelines SPD)
- 4.28. **Review of the Core Strategy (Profile 2R refers):**
Plymouth adopted its Core Strategy in April 2007. This Statutory Development Plan Document provides both a framework for the city's long term development, (including the policies and targets needed to achieve and monitor its delivery), as well as the Criteria Based Policies for the consideration of Development Proposals.
- 4.29. The Core Strategy provides a 15+ year plan for the city, covering the period 2006-21 in detail, but also provides a long term direction of travel to 2026 and beyond. It is a statutory requirement to keep this plan up to date, providing at least a 10 year time horizon. Within this context the Core Strategy will need to be reviewed and rolled forward by 2014/16, which means the commencement of this review process now falls within the 3 year work programme covered by this LDS.

5. OTHER SUPPORTING DOCUMENTS

- 5.1. Other documents inform or support the production of the LDF and its subsequent reviews. They are prepared and published alongside the relevant DPDs and SPDs, and include:-
- 5.2. **A Sustainability Appraisal /Strategic Environmental Assessment /Significant Effects report** - of each Development Plan Document. This is an ongoing process which informs the production of the LDF at the key reporting stages of Issues and Preferred Options, as well as the Pre-submission stage.
- 5.3. **An Annual Monitoring Report** – to provide baseline information for the production of the LDF and subsequent progress, as well as to comment on whether there is a need for change / review. This will be published in December of each year, as required by national guidance.
- 5.4. **Statements of Conformity** to:
- explain the steps undertaken to ensure that LDF documents have been produced in accordance with the Statement of Community Involvement
 - confirm the consistency of the DPDs and SPDs with the Core Strategy

- confirm that the DPDs are in general conformity with the Regional Spatial Strategy (currently RPG10), and have taken account of the emerging RSS review – while this remains a statutory requirement.

6. JOINT WORKING ARRANGEMENTS

- 6.1. Plymouth City and South Hams District Council have already had considerable success with their joint working arrangements – leading to the adoption of Plymouth’s North Plymstock Area Action Plan and Minerals DPD, as well as South Ham’s Sherford Area Action Plan. Further joint working will be promoted through the proposed sub-regional governance arrangements, involving all the surrounding authorities.
- 6.2. Building on this success, Plymouth City and South Hams District Council are now, (with the involvement of Devon County Council), progressing the Plymouth Urban Fringe DPD, alongside the preparation of Plymouth’s Sustainable Neighbourhoods (Key Site Allocations) DPD - to effectively address cross-border issues and development opportunities.
- 6.3. In addition to this, an outcome of Plymouth’s Core Strategy Public Examination has been a requirement by the Inspector to consider the wider issues of Coastal Planning in the Port of Plymouth area, taking into account the possibility of a statutory requirement to prepare a Marine Spatial Plan for the area. Because this means considering matters outside the Plymouth administrative area, it is proposed to address this matter through joint working with adjoining authorities through the existing Tamar Estuary Consultative Forum partners, as well as other key stakeholders including the Marine Liaison Committee.

7. FURTHER EXPLANATORY INFORMATION

- 7.1. The following table, chart, map, document profiles and appendices provide further details about each of the above LDF documents:-
 - Tables 1 - 3 illustrates the timetable for LDF document production.
 - Diagram 1 illustrates the relationship between Plymouth’s LDF Documents
 - Map 1 identifies the general locations of the proposed Area Action Plans.
 - Map 2 shows boundaries for Area Action Plans & Plymouth Urban fringe DPD
 - Profiles 1-24 provide details about each LDF document
 - Appendix 1 sets out the current status of Plymouth’s Local Plan documents, and associated supplementary planning guidance – as well as the non statutory First Deposit Local Plan and its associated Interim Planning Statements.
 - Appendix 2 provides an overview of how the new LDF system works, together with a glossary of terms.

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

TABLE 1 TIMESCALES WITHIN WHICH ADOPTED LDF DOCUMENTS HAVE BEEN PRODUCED

COMPLETED DEVELOPMENT PLAN DOCUMENTS	Issues / Options Consultation	Preferred Options Consultation	Submission date / Reps Periods	Examination Date	Inspector's Report	Adoption date
SCI - Profile 1 SCI First Review, Adopted April 2009 -Profile 1R	07/03/05 – 18/04/05	29/07/05 – 09/09/05 03/11/08 – 15/12/08	28/02/06 08/03/06 – 19/04/06	n/a	05/07/06	24/07/06 27/04/09
Core Strategy (with Criteria Based Policies) Profiles 2 & 3	07/03/05 – 18/04/05	29/07/05 – 09/09/05 Key Changes 13/04/06 – 25/05/06	11/08/06 22/08/06 – 03/09/06	30/01/07-08/02/07	03/04/07	23/04/07
North Plymouth AAP & Minerals DPD Profiles 8 & 5	07/03/05 – 18/04/05	29/07/05 – 09/09/05	11/08/06 22/8/06 – 02/09/06 08/11/06 – 19/12/06	13/02/07 & 28/03/07	19/06/07	06/08/07
Devonport AAP Profile 9	07/03/05 – 18/04/05	29/07/05 – 09/09/05	27/10/06 08/11/06-19/12/06 22/01/07 – 05/03/07	30/05/07	17/07/07	06/08/07
Millbay / Stonehouse AAP Profile 10	07/03/05 – 18/04/05	29/07/05 – 09/09/05	27/10/06 08/11/06-19/12/06 22/01/07 – 05/03/07	31/05/07	17/07/07	06/08/07
Waste DPD Profile 6	07/03/05 – 18/04/05	29/07/05 – 09/09/05	29/08/07 29/08/07-10/10/07	06/02/08	20/03/08	21/04/08
Sutton Harbour AAP Profile 16	07/03/05 – 18/04/05	08/11/06-19/12/06	18/10/07 18/10/07 –29/11/07 16/01/08 – 27/02/08	02/04/08-03/04/08	28/05/08	28/07/08
Central Park AAP Profile 12	07/03/05 – 18/04/05	08/11/06-19/12/06	20/12/07 16/01/08-27/02/08	03/06/08-04/06/08	04/07/08	22/09/08
City Centre / University AAP Profile 13	07/03/05 – 18/04/05	03/11/08 – 15/12/08	30/10/09 18/08/09-29/09/09	26/01/10- 02/02/10	15/03/10	26/04/10

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

TABLE 2 TIMETABLE FOR PRODUCING REMAINING LDF DOCUMENTS

DEVELOPMENT PLANNING DOCUMENTS	Issues / Options Consultation	Combined Issues and Preferred Options Consultation	Pre-Submission / Representation / Submission date	Examination Date	Inspector's Report	Adoption date
Derriford / Seaton AAP Profile 11	07/03/05 – 18/04/05	06/02/09 – 23/03/09	Nov/Dec 2010 Feb 2011	May 2011	Oct 2011	Jan 2012
Sustainable Neighbourhoods (Key Site Allocations) DPD Profile 4	July 2007-July 08 (neighbourhood consultations)	Nov/ Dec 2010	Oct /Nov 2011 March 2012	July 2012	Dec 2012	March 2013
Plymouth Urban Fringes DPD (Joint with SHDC & DCC) Profile 4A	N/a	Nov /Dec 2010	Oct /Nov 2011 March 2012	July 2012	Dec 2012	March 2013
East End AAP Profile 14	07/03/05 – 18/04/05	Dec / Feb 2012	Nov /Dec 2012 March 2013	July 2013	Dec 2013	March 2014
Hoe AAP Profile 15	07/03/05 – 18/04/05	Dec / Feb 2012	Nov /Dec 2012 March 2013	July 2013	Dec 2013	March 2014
(First Review) Core Strategy Profile 2R	N/a	Jan /Feb 2014	Jan /Feb 2015 May 2015	Sept 2015	Feb 2016	May 2016

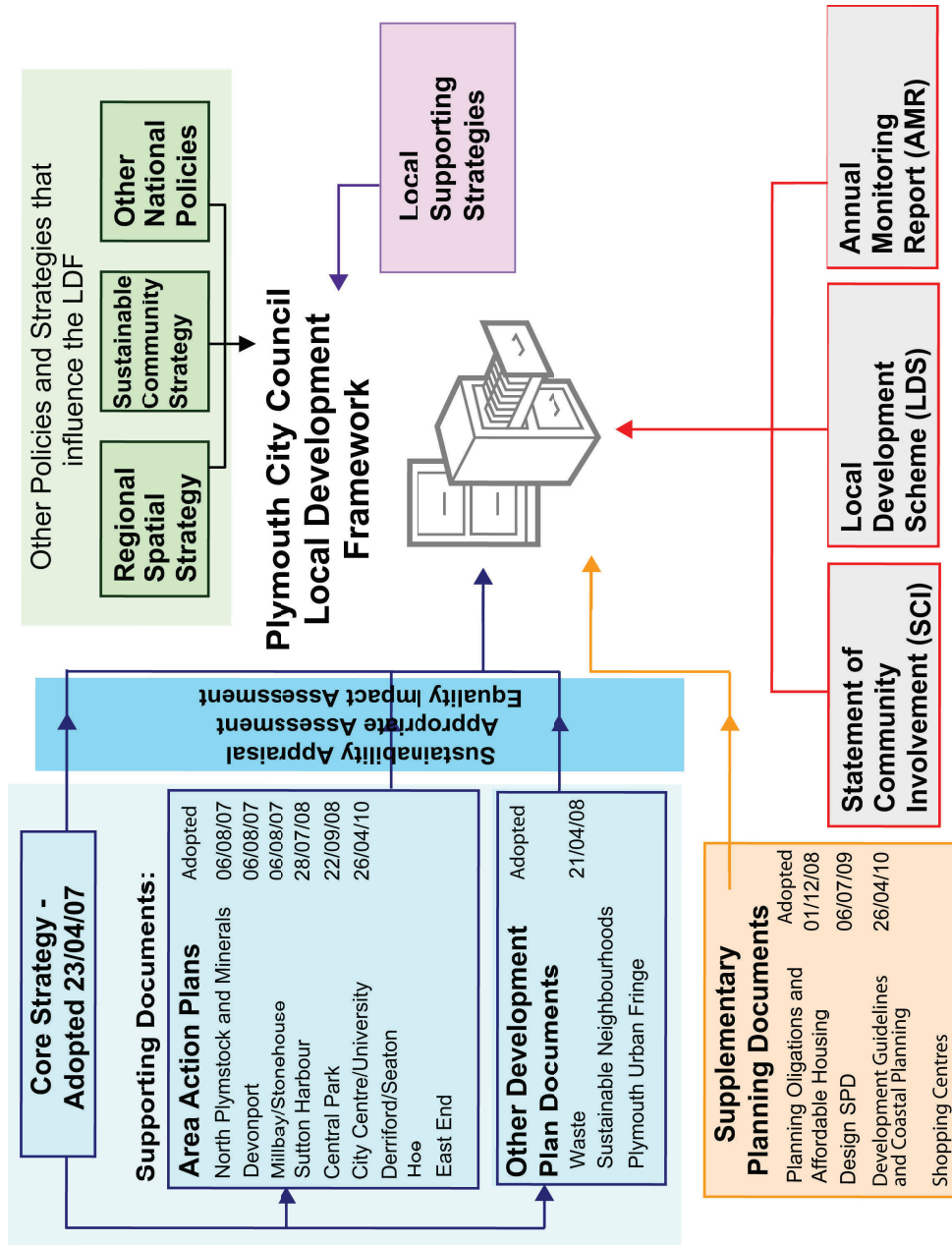
LDF Scope & Timetable – (Plymouth's Local Development Scheme).

TABLE 3 TIMETABLE FOR PRODUCING SPD DOCUMENTS

SPDs in Preparation	Consultation Draft	Adoption date
Planning Obligations & Affordable Housing SPD Profiles 17 & 18	09/11/07-21/12/07	01/12/08
Design SPD Profile 19	18/10/07-21/12/07	06/07/09
Development Guidelines SPD (including Coastal SPD) Profile 22	06/11/09 – 18/12/09	26/04/10
Shopping Centres SPD Profile 24	Nov /Dec 2010	July 2011

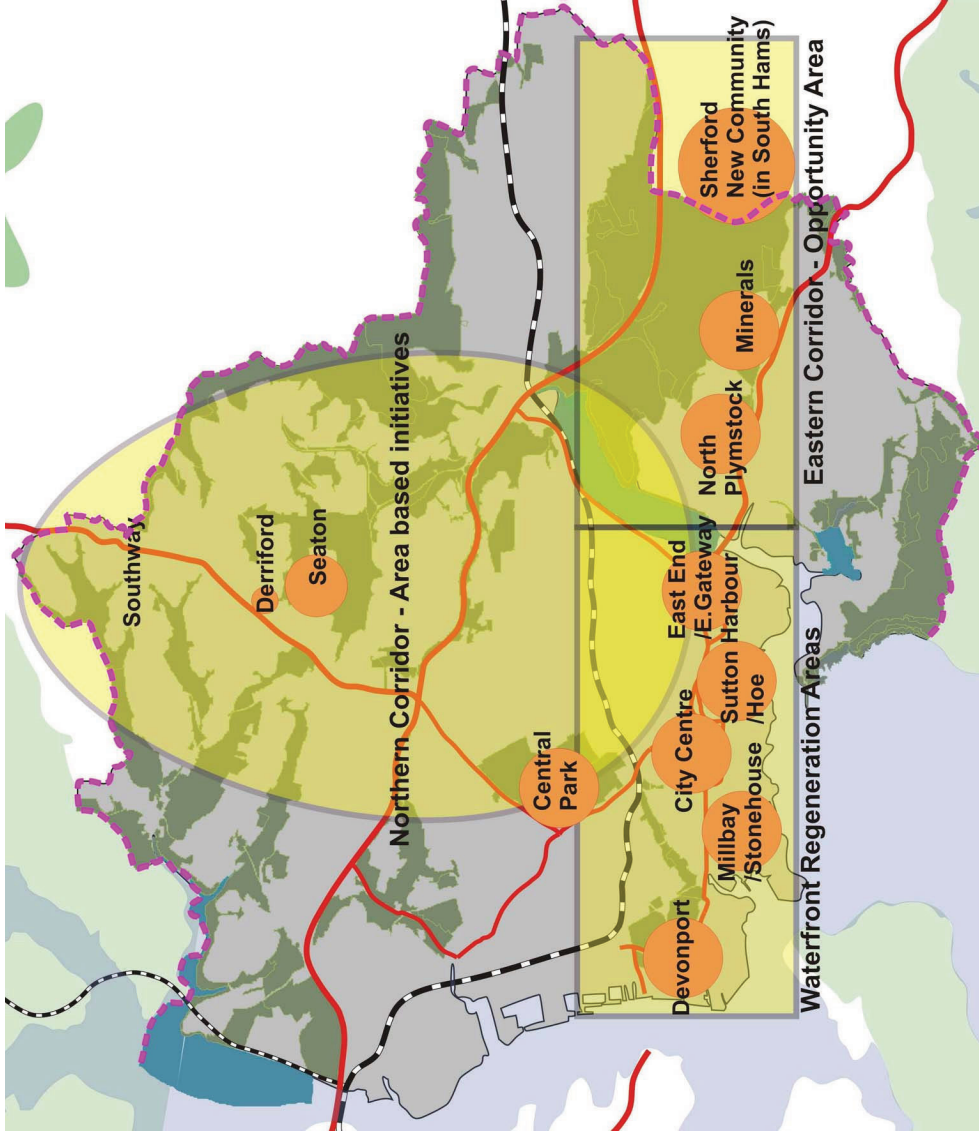
LDF Scope & Timetable – (Plymouth’s Local Development Scheme).

DIAGRAM 1 RELATIONSHIP BETWEEN PLYMOUTH’S LDF DOCUMENTS



LDF Scope & Timetable – (Plymouth's Local Development Scheme).

MAP 1. FRAMEWORKS FOR AREA ACTION - THE LOCATION OF AREA ACTION PLANS



In Plymouth's case, there are four different categories of Area Action Plan anticipated. These are in relation to:

- areas of multiple deprivation where there is a need to focus the delivery of area-based initiatives and provide an impetus for neighbourhood renewal.
- areas of significant opportunity to drive urban renaissance and the long term economic prosperity of the City.
- areas of considerable development pressure, to provide a framework for ensuring that change is managed in a sustainable way.
- areas that are particularly sensitive to change because of their heritage or environmental value.

The priority Area Action Plans within the timeframe of this Local Development Scheme are:-

The Waterfront Regeneration Areas of:

- City Centre / University
- Devonport
- Millbay / Stonehouse
- East End / Eastern Gateway
- Sutton Harbour
- Hoe

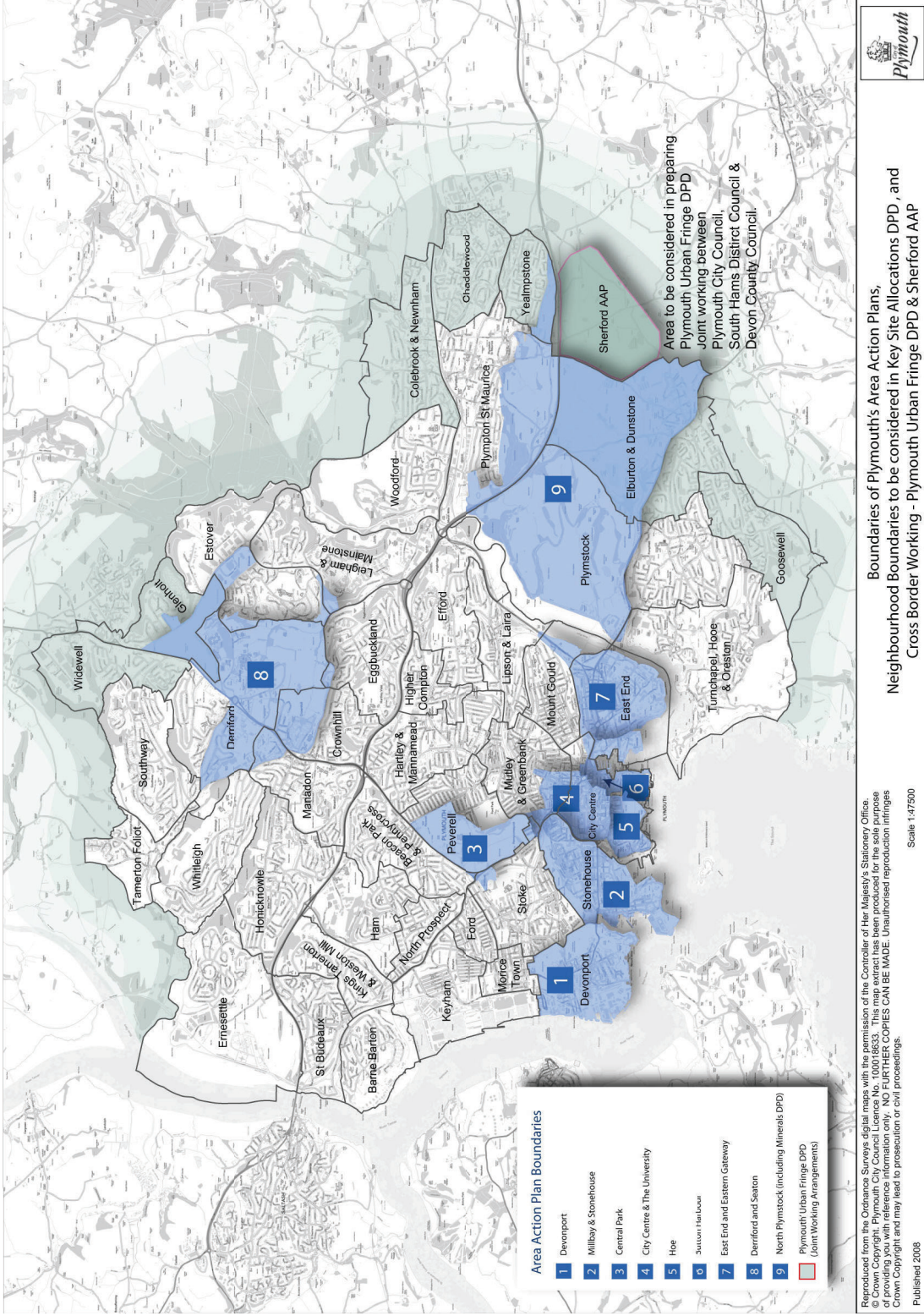
The Eastern Corridor area of significant opportunity, in particular: - North Plymouth

The Northern Corridor, where there is a need to focus the delivery of area based initiatives at:

- Derriford / Seaton.

Central Park, where there are opportunities to consider the provision of improved leisure facilities.

MAP 2. BOUNDARIES FOR AREA ACTION PLANS AND PLYMOUTH URBAN FRINGE DPD



Boundaries of Plymouth's Area Action Plans,
 Neighbourhood Boundaries to be considered in Key Site Allocations DPD, and
 Cross Border Working - Plymouth Urban Fringe DPD & Sherford AAP

PLYMOUTH'S ADOPTED LDF DOCUMENTS

Profile 1	Statement of Community Involvement
Description	Sets out the standards to be adopted by the Council, for engaging the community & key stakeholders in the plan making process, including significant Development Control decisions.
Area covered	The City of Plymouth
Status	Required as part of the LDF process, forming part of the Development Plan Documents.
Chain of conformity	It will conform to PPS12, Race Relations (Amendment) Act 2000, & the Disability Discrimination Act 1995
Adopted	24th July 2006
Monitor / Review	Monitored on an annual basis, and reviewed as appropriate. (The SCI will be formally reviewed at least once every 5 years).

Profile 1R	First Review of The Statement of Community Involvement
Description	Sets out the standards to be adopted by the Council, for engaging the community & key stakeholders in the plan making process, including significant Development Control decisions.
Area covered	The City of Plymouth
Status	Required as part of the LDF process, forming part of the Development Plan Documents.
Chain of conformity	It will conform to PPS12, Race Relations (Amendment) Act 2000, & the Disability Discrimination Act 1995
Adoption	27th April 2009
Monitor / Review	Monitored on an annual basis and reviewed as appropriate. (The SCI will be formally reviewed at least once every 5 years).

Profiles 2 & 3	Plymouth's Core Strategy
Description	This Statutory Development Plan Document brings together both an explanation of the city's long term spatial planning strategy, including the policies and targets needed to achieve and monitor its delivery, as well as the Criteria Based Policies for the consideration of Development Proposals.
Area covered	The whole of Plymouth
Chain of conformity	The Core Strategy is in line with national planning policy, in general conformity to RPG10, consistent with the Devon Structure Plan 2001-16 and has taken account of the emerging RSS to 2026
Adopted	23rd April 2007
Monitor / Review	Monitored on an annual basis and reviewed as appropriate. (Reviewed at least once every five years).

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Profile 6	Waste Development Plan Document
Description	This Statutory Development Plan Document sets the context for considering waste management and disposal facilities in Plymouth.
Area covered	The whole of Plymouth
Chain of conformity	In general conformity to RPG10, consistent with the Core Strategy and has taken account of the emerging RSS to 2026.
Adopted	21st April 2008
Monitor / Review	Monitored on an annual basis and reviewed as appropriate.

Profiles 8 & 5	Eastern Corridor - Opportunity Area North Plymstock Area Action Plan and Minerals Development Plan Document
Description	This Area Action Plan brings together both the general development considerations for North Plymstock (defined in Profile 6 in the original LDS), as well as the Mineral considerations (defined in Profile 7), in one AAP /DPD document, enabling the interrelationship of these matters to be fully addressed.
Area covered	North Plymstock area, including minerals, as well as the links arising from joint working arrangements with South Hams relating to the proposed New Community at Sherford.
Status	Statutory Development Plan Document.
Chain of conformity	In general conformity to RPG10, consistent with the Core Strategy and the Devon Structure Plan 2001-16, as well as taking account of the emerging RSS to 2026.
Adopted	6th August 2007
Monitor / Review	Monitored on an annual basis and reviewed as appropriate.

Profile 9	Waterfront Regeneration Area Devonport Area Action Plan
Description	Sets the context for translating agreed city strategy and community aspirations for this area into a statutory plan to facilitate development in response to local needs.
Area covered	Devonport and Mount Wise.
Status	Statutory Development Plan Document.
Chain of Conformity	In general conformity to RPG10, consistent with the Core Strategy and the Devon Structure Plan 2001-16, as well as taking account of the emerging RSS to 2026.
Adopted	6th August 2007
Monitor / Review	Monitored on an annual basis and reviewed as appropriate.

Profile 10	Waterfront Regeneration Area Millbay / Stonehouse Area Action Plan
Description	Sets the context for translating agreed city strategy community aspirations for this area into a statutory plan, to facilitate development to meet local needs.

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Area covered	Millbay /Stonehouse.
Status	Statutory Development Plan Document.
Chain of Conformity	In general conformity to RPG10, consistent with the Core Strategy and the Devon Structure Plan 2001-16, as well as taking account of the emerging RSS to 2026.
Adopted	6th August 2007
Monitor / Review	Monitored on an annual basis and reviewed as appropriate.

Profile 12	Waterfront Regeneration Area Central Park Area Action Plan
Description	Sets the context for developing a leisure and sports hub for the city in this area, and for improving Central Park.
Area covered	Central Park
Status	Statutory Development Plan Document.
Chain of Conformity	In general conformity to RPG10, consistent with the Core Strategy and the Devon Structure Plan 2001-16, as well as taking account of the emerging RSS to 2026.
Adopted	22nd September 2008
Monitor / Review	Monitored on an annual basis and reviewed as appropriate.

Profile 13	Waterfront Regeneration Area City Centre / University– Area Action Plan
Description	Sets the context for improving the City Centre and its link to Plymouth University, the Hoe, Sutton Harbour and Millbay.
Area covered	Plymouth City Centre / University area.
Status	Statutory Development Plan Document.
Chain of Conformity	In general conformity with the Regional Spatial Strategy, and consistent with the Core Strategies of Plymouth and South Hams.
Adopted	26th April 2010
Monitor / Review	Monitored on an annual basis and reviewed as appropriate.

Profile 16	Waterfront Regeneration Area Sutton Harbour Area Action Plan
Description	Sets the context for building on the regeneration initiatives of Sutton Harbour.
Area covered	Sutton Harbour, including the Barbican.
Status	This will be a Statutory Development Plan Document.
Chain of Conformity	In general conformity to RPG10, consistent with the Core Strategy and the Devon Structure Plan 2001-16, as well as taking account of the emerging RSS to 2026.
Adopted	28th July 2008
Monitor / Review	Monitored on an annual basis and reviewed as appropriate.

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Profiles 17 & 18	Planning Obligations and Affordable Housing-SPD
Description	The SPD sets the context for requiring contributions from relevant development and how the Council will prioritise and achieve community benefits.
Area covered	Plymouth City.
Status	Forms part of Plymouth's Development Framework, as a Supplementary Planning Document.
Chain of Conformity	In general conformity to RPG10, consistent with the Core Strategy, as well as taking account of the emerging RSS to 2026.
Adoption	1st December 2008
Review	Monitored on an annual basis and reviewed as appropriate. Early review may be triggered by new legislation relating to the Community Infrastructure Levy.

Profile 19	Design SPD
Description	Sets the framework for design (including sustainable design considerations) & historic environment.
Area covered	Plymouth City.
Status	Forms part of Plymouth's Development Framework, as a Supplementary Planning Document.
Chain of Conformity	In general conformity with the Regional Spatial Strategy, and consistent with the Core Strategies of Plymouth and South Hams.
Adoption	6th July 2009
Review	Monitored on an annual basis and reviewed as appropriate.

Profile 22 & 23	Development Guidelines SPD
Description	Amplifies criteria based policies of Core Strategy – in particular CS34 – in relation to minor & householder development proposals and different development types, as well as and the coastal environment.
Area covered	Plymouth City & the Port of Plymouth area.
Status	Forms part of Plymouth's Development Framework, as a Supplementary Planning Document.
Chain of Conformity	In general conformity to RPG10, consistent with the Core Strategy, as well as taking account of the emerging RSS to 2026.
Adoption	26th April 2010
Review	Monitored on an annual basis, and reviewed as appropriate.

PLYMOUTH'S REMAINING LDF WORK PROGRAMME

Profile 2R	First Review of Plymouth's Core Strategy
Description	<p>This Statutory Development Plan Document brings together both an explanation of the city's long term spatial planning strategy, including the policies and targets needed to achieve and monitor its delivery, as well as the Criteria Based Policies for the consideration of Development Proposals.</p> <p>The adopted Core Strategy needs to be updated to reflect any changes to the Regional Spatial Strategy position and the outcome of the Plan Monitor Manage process as reported through the LDF's Annual Monitoring Report.</p>
Content	<p>It sets out:-</p> <ul style="list-style-type: none"> ▪ A long term vision, aims and objectives, targets and indicators ▪ How the vision for Plymouth is integrated into the LDF ▪ How these aims will be achieved through a planning framework; ▪ How this framework will be implemented relating to: <ul style="list-style-type: none"> - the city's future directions for change - developing a strategic transport network - promoting sustainable development - maintaining & improving the environment - promoting regeneration - safeguarding the city's future prosperity - ensuring the supply of suitable housing /affordable housing - providing for shops - (through a sequential approach) - supporting the city's educational reorganisation - safeguarding necessary mineral extraction - dealing with waste - monitoring & implementation. ▪ The policies required to guide development and help to deliver the spatial vision for the city, as well as the criteria against which planning applications will be considered.
Area covered	The whole of Plymouth
Status Chain of conformity	<p>Statutory Development Plan Document.</p> <p>The Core Strategy First Review will be in line with national planning policy, and in general conformity with the adopted Regional Spatial Strategy for the South West.</p>
Key Milestones:- Issues /preferred options Pre-submission consultation Submit Sec. of State Pre-examination mtg. Public Hearing Inspector's Report Adoption Monitor / Review	<p>Current position:- Adopted on 23/04/07.</p> <p>January /February 2014</p> <p>January /February 2015</p> <p>May 2015</p> <p>June 2015</p> <p>September 2015</p> <p>By February 2016</p> <p>May 2016</p> <p>Monitored on an annual basis and reviewed as appropriate.</p>
Production arrangements	To be prepared by the Department of Development, with the assistance of the relevant statutory bodies, as well as all partners /stakeholders involved in the preparation of the Minerals DPD, Waste DPD and the Area Action Plans.

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Profile 4	Sustainable Neighbourhoods (Key Site Allocations) DPD
Description	Sets out the key development proposals required to implement the vision, aims & objectives of the Core Strategy. Its purpose is to allocate land for specific uses based on an assessment of the suitability and availability of land which supports the Council's vision for delivering a city of sustainable linked communities. The sites will be illustrated on the Proposals Map.
Content	It sets out:- <ul style="list-style-type: none"> ▪ visions for the city's neighbourhoods ▪ what are considered appropriate key development opportunities / allocations on specific sites or areas of land in the city ▪ the reason why the proposal has been made, and how it is expected to contribute to achieving the vision ▪ the extent of the land affected by the proposal, (safeguarding the owner's right to objection) ▪ the links to policies in other Development Plan Documents, e.g. affordable housing, as well as how and when Supplementary Planning Documents will apply. ▪ How the DPD will be implemented and monitored ▪ Background papers /documents /references ▪ The process by which the DPD has been prepared, together with a statement of conformity with Plymouth's revised SCI.
Area covered	The Development Proposals will cover the whole of Plymouth, <u>except</u> for those proposals that will be covered in the Minerals and Waste DPDs, the Plymouth Urban Fringes DPD (which will include:- Widewell, Glenholt, Colebrook & Newnham, Chaddlewood & Yealmpstone), and the Area Action Plans for:- <ul style="list-style-type: none"> ▪ The waterfront regeneration areas of City Centre, Devonport, Millbay/Stonehouse, & East End/Eastern Gateway, Hoe, Sutton Harbour and Central Park ▪ The eastern corridor opportunity area of North Plymstock and the areas linked to the proposed new community at Sherford in S. Hams ▪ The northern corridor development areas, including Derriford and Seaton
Status	Statutory Development Plan Document.
Chain of conformity	In general conformity with the Regional Spatial Strategy, and consistent with the Core Strategies of Plymouth and South Hams.
Key Milestones:- Issues/options Issues / preferred options Pre-submission consultation Submit Sec. of State Pre-examination mtg. Public Hearing Inspector's Report Adoption Monitor / Review	<p>Plan preparation commenced in July 2007</p> <p>July 2007 to July 2008</p> <p>November /December 2010</p> <p>October /November 2011</p> <p>March 2012</p> <p>May 2012</p> <p>July 2012</p> <p>By December 2012</p> <p>March 2013</p> <p>Monitored on an annual basis and reviewed as appropriate.</p>
Production arrangements	To be prepared by the Department of Development, with the assistance of Plymouth 2020 and the relevant statutory bodies, partners and key stakeholders (including landowners).

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Profile 4A	Plymouth Urban Fringes DPD (joint DPD with South Hams District Council & Devon County Council)
Description	Sets out the key development proposals required to implement the vision, aims & objectives of both Plymouth and South Hams' Core Strategies insofar as they relate to the Plymouth urban fringe area. Its purpose is to allocate land for specific uses based on an assessment of the suitability and availability of land which supports the vision for delivering a city of sustainable linked communities. The sites will be illustrated on the Proposals Map.
Content	It sets out:- <ul style="list-style-type: none"> ▪ visions for the city's neighbourhoods and surrounding urban fringe ▪ what are considered appropriate key development opportunities, as well as areas for restraint, such as biodiversity networks ▪ the reason why the proposal has been made, and how it is expected to contribute to achieving the vision ▪ the extent of the land affected by the proposal, (safeguarding the owner's right to objection) ▪ the links to policies in other Development Plan Documents, e.g. affordable housing, as well as how and when Supplementary Planning Documents will apply. ▪ How the DPD will be implemented and monitored ▪ Background papers /documents /references ▪ The process by which the DPD has been prepared, together with a statement of conformity with Plymouth's revised SCI.
Area covered	The Development Proposals will cover the following areas of Plymouth and South Hams:- <ul style="list-style-type: none"> ▪ Plymouth neighbourhoods of:- Widewell, Glenholt, Colebrook & Newnham, Chaddlewood & Yealmpstone ▪ An area in South Hams, running around the Plymouth city border
Status	Statutory Development Plan Document.
Chain of conformity	In general conformity with the Regional Spatial Strategy, and consistent with the Core Strategies of Plymouth and South Hams.
Key Milestones:- Issues/options Issues / preferred options Pre-submission consultation Submit Sec. of State Pre-examination mtg. Public Hearing Inspector's Report Adoption Monitor / Review	Plan preparation commenced in July 2007 July 2007 to May 2009 November /December 2010 October /November 2011 March 2012 May 2012 July 2012 By December 2012 March 2013 Monitored on an annual basis and reviewed as appropriate.
Production arrangements	To be prepared jointly by Plymouth City Council, South Hams' District Council and Devon County Council, with the assistance of Plymouth 2020 and the South Hams LSP, and the relevant statutory bodies, partners and key stakeholders (including landowners). It is proposed that this one document will be considered at a joint examination, and then adopted by the relevant authorities with regard to the parts of the document that relate to their area..

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Profile 11	Northern Corridor - Area Based Initiatives Derriford /Seaton Area Action Plan
Description	Sets the context for coordinating major area based development initiatives in northern Plymouth. Its purpose is to make site specific proposals, including proposals for the disposition of main activities, transport facilities, densities and urban /landscape design framework. It will promote the delivery of sustainable communities and sustainable transport solutions to meet local needs.
Content	Sets out the spatial planning policies /proposals for this area, including:- <ul style="list-style-type: none"> ▪ Context for preparing this AAP, in terms of the policy background (national, regional & local) ▪ Aims & objectives that are specific to this AAP, together with details about the type and amount of development ▪ Additional guidance & information that is required to amplify the policy or proposal ▪ How the AAP will be implemented and monitored ▪ Background papers /documents /references ▪ The process by which the AAP has been prepared, together with a statement of conformity with SCI.
Area covered	Northern Plymouth – Derriford and Seaton.
Status	Statutory Development Plan Document.
Chain of Conformity	In general conformity with the Regional Spatial Strategy, and consistent with the Core Strategies of Plymouth and South Hams.
Key Milestones:- Issues /options Issues / preferred options Pre-submission consultation Submit Sec. of State Pre-examination mtg. Public Hearing Inspector's Report Adoption Monitor / Review	<p>Current position:- Issues & Preferred Options completed in March 2009</p> <p>7th March – 18th April 2005</p> <p>06/02/09 to 23/03/09</p> <p>November /December 2011</p> <p>February 2011</p> <p>March 2011</p> <p>May 2011</p> <p>by October 2011</p> <p>January 2012</p> <p>Monitored on an annual basis and reviewed as appropriate.</p>
Production arrangements	To be prepared by the Department of Development, with the assistance of the Regional Development Agency, together with the key stakeholders in this area.

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Profile 14	Waterfront Regeneration Area East End – Area Action Plan
Description	Sets the context for neighbourhood renewal and promoting sustainable transport solutions for the City's East End and Eastern Gateway. Its purpose is to make site specific proposals, including proposals for the disposition of main activities, transport facilities, densities and urban / landscape design framework. This will promote neighbourhood renewal, improving housing quality - coordinating major development initiatives & promoting the functional links to the City Centre.
Content	Sets out the spatial planning policies /proposals for this area, including:- <ul style="list-style-type: none"> ▪ The context for preparing this AAP, in terms of the policy background (national, regional & local) ▪ The aims & objectives that are specific to this AAP, together with details about the type and amount of development ▪ The additional guidance & information that is required to amplify the policy or proposal ▪ How the AAP will be implemented and monitored ▪ Background papers /documents /references ▪ The process by which the AAP has been prepared, together with a statement of conformity with SCI
Area covered	East End of Plymouth.
Status	Statutory Development Plan Document.
Chain of Conformity	In general conformity with the Regional Spatial Strategy, and consistent with the Core Strategies of Plymouth and South Hams.
Key Milestones:- Issues /options Issues / preferred options Pre-submission consultation Submit Sec.of State Pre-examination mtg. Public Hearing Inspector's Report Adoption Monitor / Review	<p>Current position:- Issues/Options completed in April 2005</p> <p>7th March – 18th April 2005</p> <p>December 2011 /Feb 2012</p> <p>November /December 2012</p> <p>March 2013</p> <p>April 2013</p> <p>July 2013</p> <p>By December 2013</p> <p>March 2014</p> <p>Monitored on an annual basis and reviewed as appropriate.</p>
Production arrangements	To be prepared by the Department of Development, with the assistance of the key stakeholders in this area.

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Profile 15	Waterfront Regeneration Area The Hoe– Area Action Plan
Description	Sets the context for the regeneration of the Hoe Foreshore. Its purpose is to make site specific proposals, including proposals for the disposition of main activities, transport facilities, densities and urban /landscape design framework.
Content	Sets out the spatial planning policies /proposals for this area, including:- <ul style="list-style-type: none"> ▪ The context for preparing this AAP, in terms of the policy background (national, regional & local) ▪ The aims & objectives that are specific to this AAP., together with details about the type and amount of development. ▪ The additional guidance & information that is required to amplify the policy or proposal. ▪ How the AAP will be implemented and monitored ▪ Background papers /documents /references ▪ the process by which the AAP has been prepared, together with a statement of conformity with SCI
Area covered	The Hoe & Foreshore
Status Chain of Conformity	This will be a Statutory Development Plan Document. In general conformity with the Regional Spatial Strategy, and consistent with the Core Strategies of Plymouth and South Hams.
Key Milestones:- Issues /options Issues / preferred options Pre-submission consultation Submit Sec.of State Pre-examination mtg. Public Hearing Inspector's Report Adoption Monitor / Review	Current position:- Issues/Options completed in April 2005 7 th March – 18 th April 2005 December 2011 /Feb 2012 November /December 2012 March 2013 April 2013 July 2013 By December 2013 March 2014 Monitored on an annual basis and reviewed as appropriate.
Production arrangements	To be prepared by the Department of Development, with the assistance of the key stakeholders in this area.

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Profile 7	Proposals Map
Description	<p>Illustrates the location and extent of all the development proposals arising from the plan (both the LDF proposals & criteria based policies of the plan).</p> <p>Its purpose is to illustrate areas of protection (e.g. protected landscapes, nature conservation) and all the spatial planning policies / proposals set out in all the development plan documents.</p>
Content	<p>It shows, (on a base map at an appropriate scale), all the policies & proposals, (that can be illustrated on a map), contained in the Development Plan documents, together with sites for which Area Action Plans will apply.</p> <p>The Proposals Map illustrates any remaining saved Development Plan policies and proposals, and will be updated as each new development plan document is adopted.</p>
Area covered	The LDF Proposals Map covers the whole of the City of Plymouth.
Status	This will be a Statutory Development Plan Document.
Chain of conformity	It shows all the policies and proposals in the Adopted Development Plan Documents that can be illustrated on a map.
Key Milestones:- Adoption	A revised Proposals map will be prepared to reflect the spatial planning policies and proposals for each development plan document, as it is adopted.
Monitor / Review	It will be revised as each new development plan document is adopted.
Production arrangements	To be prepared by the Department of Development & Regeneration, in conformity with the Inspector's report for each development plan document as it is adopted.

Profile 20	Sustainability Appraisal
Description	<p>Sustainability Appraisal uses a range of sustainability objectives and indicators to test whether the plans, policies and proposals are the best possible ones for delivering sustainable development.</p> <p>Sustainability Appraisal is a tool that is used to ensure the full range of environmental, social and economic effects of the LDF are considered during a plans formulation. It seeks to ask the following questions about these effects:</p> <ul style="list-style-type: none"> • Could these effects be of special significance? • Are there ways of reducing or mitigating adverse effects? • Can positive planning further enhance any beneficial effects? <p>The SA plays an important role in improving the quality of the council's LDF by ensuring that it seeks to deliver national & local objectives for sustainable development.</p>
Content	<p>Whilst SA is an iterative process, a key output is a Sustainability Appraisal report which describes what elements of the plan have been appraised and how, and the likely significant sustainability effects of the implementation of the plan.</p> <p>The appraisals are undertaken using an appraisal framework developed and set out in the Sustainability Appraisal Scoping Report (March 2008).</p>

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

	The SA framework sets out the sustainability objectives and appraisal criteria that will be used to test whether the options, alternatives, policies and proposals being presented in the LDD, are the best possible ones for delivering sustainable development. The results from these appraisals are used to improve the plan.
Area covered	The whole of Plymouth but may raise issues about indirect, or cumulative impacts outside the City's boundary
Status	Required as part of the LDF process. Plymouth's SA work will also fulfil the requirement for LDD's to be assessed in line with the Strategic Environmental Assessment (SEA) Directive (2001/42/EC).
Key Milestones:-	An SA Report is produced alongside each consultation stage associated with the preparation of an LDD.
Production arrangements	To be prepared by the Department of Development, with the assistance of all key stakeholders.

Profile 21	Annual Monitoring Report
Description	This document will assess how the Council is performing against the implementation of the Local Development Scheme, and the extent to which LDF Aims and Objectives are being achieved.
Content	<p>The first report, produced in February 2005, was primarily intended to provide baseline information to inform the issues options debate, as well as for the future monitoring of the LDF.</p> <p>From December 2005 onwards, the LDF monitoring report will set out:-</p> <ul style="list-style-type: none"> ▪ progress towards achieving the LDF Timetable (i.e. LDS targets set out in this document) ▪ information on the current position for all LDF targets & indicators ▪ progress towards achieving the LDF's aims & objectives, & their contribution towards achieving the City's vision ▪ the impact of the LDF on wider targets and sustainable development objectives <p>It examines the reason for any failures in progress and any remedial action required in terms of:-</p> <ul style="list-style-type: none"> ▪ revision to the LDS processes and timetable ▪ changes to the Core Strategy & its policies / proposals and how the Council will achieve these
Area covered	The City of Plymouth.
Status	Required as part of the LDF process
Key Milestones:-	
Prepare /Engage	April – August, annually
Publish	November, annually
Submit to Sec.State	December, annually
Review	Produced on an annual basis, as part of the LDF review process

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Profile 24	Shopping Centres SPD
Description	Defines the extent of shopping centre boundaries and primary / secondary frontages (to replace Annex 1 of First Deposit Local Plan).
Content	<p>All spatial planning policies and proposals will be set out in the relevant policies or proposals section of the LDF.</p> <p>The SPD will amplify these LDF policies / proposals by setting out:-</p> <ul style="list-style-type: none"> ▪ A reference to the relevant Development Plan document policy or proposal to which this SPD relates ▪ The context for preparing this SPD, including policy background (national, regional & local) ▪ The aims & objectives that are specific to this SPD ▪ The additional guidance & information that is required to amplify the LDF policy or proposal ▪ How the SPD will be implemented ▪ Background papers / documents / references ▪ The process by which the SPD has been prepared, together with a statement of conformity with SCI
Area covered	Plymouth City.
Status	Forms part of Plymouth's Development Framework, as a Supplementary Planning Document.
Chain of Conformity	In general conformity to RPG10, consistent with the Core Strategy and the Devon Structure Plan 2001-16, as well as taking account of the emerging RSS to 2026.
Key Milestones:- Prepare / Engage Publish Draft SPD Consultation on SPD Consider changes Adoption Review	<p>To be completed by September 2010</p> <p>November 2010</p> <p>November /December 2010</p> <p>by June 2011</p> <p>July 2011</p> <p>Monitored on an annual basis, and reviewed as appropriate.</p>
Production arrangements	To be prepared by the Department of Development & Regeneration, with the assistance of key stakeholders.

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

APPENDIX 1	Status of planning policy documents
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Local Plans

<i>Title</i>	<i>Date</i>	<i>Status</i>
Local Plan First Alteration Adopted	May 1996	The 1996 Local Plan has expired and is no longer a material consideration for planning purposes
First Deposit Local Plan	Dec.2001	Cancelled as formal policy of City Council

Planning Guidance Notes.

<i>Title</i>	<i>Date</i>	<i>Status</i>
PGN No.1. House Extensions.	December 1995	Cancelled
PGN No.2. House and Roof Alterations.	December 1995	Cancelled
PGN No.3. Shopfront Design.	December 1995	Cancelled
PGN No.4. Shop Signs and Advertisements.	December 1995	Cancelled
PGN No.5. Food and Drink.	December 1995	Cancelled
PGN No.6. Houses in Multiple Occupation.	July 1999	Cancelled
PGN No.7. Protecting and Providing for Wildlife in Development.	July 1999	Cancelled
PGN No.8. Child Care Facilities.	July 1999	Cancelled
PGN No.9. Refuse Storage Provision in Residential Areas.	July 1999	Cancelled
PGN No 10. Amusement Centres.	July 1999	Cancelled
PGN No 11. The Provision of Children's Play Space within New Residential Development.	December 1999	Cancelled
Approved Policy for Street Cafés and Chairs and Tables.	June 1993	Cancelled

Area Plans and Studies.

<i>Title</i>	<i>Date</i>	<i>Status</i>
Plymouth's Barbican and Sutton Harbour Action Plan.	December 1991	Cancelled
Hooe Lake Planning Study.	March 1993	Cancelled

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Title	Date	Status
Stonehouse Area Plan.	December 1997	Cancelled
Hooe Lake Planning Study Review.	April 1999	Cancelled
Devonport Urban Village. Urban Framework Plan.	September 2000	Cancelled
City Centre Precinct Urban Design Framework.	December 2001	Saved until replaced by City Centre Urban Design & Heritage Assets Strategy.

Planning and Design Briefs and Site Development Strategies.

Title	Date	Status	Amplifies First Deposit Local Plan Policy	Amplifies LDF policy
Drake's Island.	October 1995	Cancelled		
Radford Oil Fuel Depot Plymstock.	December 1995	Saved until development completed and all conditions discharged		
Royal Marine Barracks Seaton.	April 1997	Cancelled		
Whitleigh Centre Food Supermarket.	August 1997	Cancelled		
Land Adjoining the Grand Hotel, Leigham Street – Development and Planning Brief.	October 1997	Saved until development completed and all conditions discharged		
Royal Naval Engineering College, Manadon – Revised Planning Brief.	December 1997	Saved until development completed and all conditions discharged		
Cornwall Street / Cannon Street Redevelopment.	November 1999	Saved until development completed and all conditions discharged		
Plymouth Guildhall Planning Brief.	November 1999	Cancelled		
Planning and Urban Design Brief: Moon Street and Environs.	January 2000	Saved until development completed and all conditions discharged		
James Street / Bennett Street Planning Brief	November 2002	Saved until development completed and all conditions discharged	Strategic Design Principles (Part 2), Proposal 53	
Pottery Quay Planning Brief	November 2002	Saved until development completed and all conditions discharged	Strategic Design Principles (Part 2), Proposal 48	

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Title	Date	Status	Amplifies First Deposit Local Plan Policy	Amplifies LDF policy
Diesel Site Planning and Design Brief	April 2004	Saved until development completed and all conditions discharged	Strategic Design Principles (Part 2), Proposal 38	
Harwell Street Planning and Design Brief	April 2004	Saved until development completed and all conditions discharged	Strategic Design Principles (Part 2)	MS11
Alma Road Planning and Design Brief	July 2004	Saved until development completed and all conditions discharged	Strategic Design Principles (Part 2), Proposal 62 (Land at Alma Road)	
Treverbyn House Planning and Design Brief	July 2004	Saved until development completed and all conditions discharged	Strategic Design Principles (Part 2)	

Conservation.

Title	Date	Status	Amplifies LDF policy
Royal William Yard Conservation Plan.	2000	Saved	MS01
Buildings at Risk Report.	January 2006	Saved until replaced by amended Buildings at Risk Report.	CS03
Devonport Conservation Area Appraisal and Management Plan	March 2007	Saved	CS03 Objective 6 Devonport AAP
Durnford Street Conservation Area Appraisal and Management Plan	March 2007	Saved	CS03 Objective 7 Millbay AAP
North Road West Conservation Area Appraisal and Management Plan	March 2007	Saved	CS03 Objective 7 Millbay AAP
Wyndham Square Conservation Area Appraisal and Management Plan	March 2007	Saved	CS03 Objective 7 Millbay AAP
Millfields Conservation Area Appraisal and Management Plan	March 2007	Saved	CS03 Objective 7 Millbay AAP
Adelaide Street Conservation Area Appraisal and Management Plan	March 2007	Saved	CS03 Objective 7 Millbay AAP

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Title	Date	Status	Amplifies LDF policy
Emma Place Conservation Area Appraisal and Management Plan	March 2007	Saved	CS03 Objective 7 Millbay AAP
Union Street Conservation Area Appraisal and Management Plan	March 2007	Saved	CS03 Objective 7 Millbay AAP
Barbican Conservation Area Appraisal and Management Plan	October 2007	Saved	CS03 Objective 2 Sutton Harbour AAP
Plympton St Maurice Conservation Area Appraisal and Management Plan	March 2008	Saved	CS03
Ebrington Street Conservation Area Appraisal and Management Plan	March 2008	Saved	CS03

Area Specific Design Frameworks and Guidance.

Title	Date	Status	Amplifies LDF policy
Design Guidance for the Union Street Commercial Improvement Area.	February 1999	Saved	MS08
Design Guidance for the Stoke Village Enhancement Scheme.	November 1999	Saved	
Royal William Yard Public Realm Strategy (consultation draft).	2001	Saved	MS01

Interim Planning Statements.

Title	Date	Status	Amplifies First Deposit Local Plan Policy	Amplifies LDF policy
IPS1. Commercial Road.	March 2003	Saved until East End Area Action Plan published.	Proposal 30	
IPS2. Millbay Regeneration Strategy	March 2003	Cancelled Replaced by Millbay AAP		
IPS3. Affordable Housing (Consultation Draft).	April 2003	Cancelled Replaced by Planning Obligations SPD		

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

Title	Date	Status	Amplifies First Deposit Local Plan Policy	Amplifies LDF policy
IPS4. Educational Contributions	July 2003	Cancelled Replaced by Planning Obligations SPD		
IPS5. East End Regeneration Strategy	March 2003	Saved until East End Area Action Plan published.	East End Area Vision (Part 2), Proposals 15 – 23, 25 - 29, 31 and 32.	
IPS6. Tinside, Hoe & Hoe Foreshore Conservation Plan	March 2003	Saved. Status to be considered again once Hoe AAP published	The Barbican and Hoe Area Vision and Strategy Statement (Part Two, page 32), Proposals 9 and 11-14 (Part 3).	
IPS8. Sutton Harbour East Interim Planning Statement.	October 2003	Saved to help amplify Proposal SH07		SH07
IPS9. Barne Barton Regeneration Strategy	September 2003	Saved until Sustainable Neighbourhoods DPD published.	Proposals 111 & 112.	
IPS10. Strategic Development Principles for the University Area	October 2003	Saved to help amplify City Centre / University Area Action Plan		
IPS11. Armada Way Food Court	October 2003	Superseded by City Centre / University Area Action Plan		
IPS. Vision for Plymouth.	May 2004	Superseded by Design SPD		
IPS16. Plymouth Airport.	August 2004	Saved until Derriford AAP published	Strategic Objective 3 (Part 2) Proposal 75 (Part 3)	

	Glossary of Terms
APPENDIX 2	

Under new arrangements introduced by the Government, *Structure Plans* and *Local Plans* are to be replaced by a *Local Development Framework* (LDF). It is intended that this new system will provide a more strategic and flexible approach to managing development.

The LDF will take the form of a ‘portfolio’ of documents that can be tailored to meet local circumstances. At its heart will be a *Core Strategy* outlining how the city will evolve over the next ten or more years. It will also include a *Proposals Map* showing which land is to be developed or conserved. Authorities may choose to have one or more *Area Action Plans*, showing in detail what will happen in areas where there will be a lot of change, or which are to be kept as they are. All of these documents will be known as *Development Plan Documents*, and will be subject to independent examination by a Government-appointed Inspector. Together with the *Regional Spatial Strategy*, they will make up the *Development Plan* for the area. (There is also the opportunity to provide more information about any aspect of the plan through documents known as *Supplementary Planning Documents*.)

In addition to these core LDF documents, Authorities are expected to produce supporting documents as follows:-

- To ensure that all elements of the LDF are put in place in a timely fashion, the authority is required to produce a project plan (this document), setting out what documents are to be prepared, and the timetable for preparing them. This is known as a *Local Development Scheme*.
- Each local authority will also produce a *Statement of Community Involvement*, explaining how local people and other parties will be able to influence and express their views on plans and development proposals for their area.

GLOSSARY OF TERMS AND ABBREVIATIONS

(The terms in italics are explained elsewhere in the glossary)

The Act	The Planning and Compulsory Purchase Act 2004.
Annual Monitoring Report	Part of the <i>Local Development Framework</i> , the Annual Monitoring Report will assess the implementation of the <i>Local Development Scheme</i> and the extent to which policies in <i>Local Development Documents</i> are being successfully implemented.
Area Action Plan	Used to provide a planning framework for areas of change and areas of conservation. Area Action Plans will have the status of <i>Development Plan Documents</i> .
Community Strategy	Local authorities are required by the Local Government Act 2000 to prepare a Community Strategy, with the 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 the public, private, voluntary and community sectors. Responsibility for producing Community Strategies may be passed to <i>Local Strategic Partnerships</i> , which include local authority representatives. In Plymouth’s case this is called the City Strategy.
Core Strategy	Sets out the long-term spatial vision for the local planning authority area, the spatial objectives and strategic policies to

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

	deliver that vision. The Core Strategy will have the status of a <i>Development Plan Document</i> .
Development Plan	As set out in <i>the Act</i> , an authority's development plan consists of the <i>Regional Spatial Strategy</i> (or the <i>Spatial Development Strategy</i> in London) and the <i>Development Plan Documents</i> contained within its <i>Local Development Framework</i> .
Development Plan Documents	Spatial planning documents that are subject to independent examination, and which together with the <i>Regional Spatial Strategy</i> , will form the <i>development plan</i> for a local authority area. They can include a <i>Core Strategy</i> , <i>Site Specific Allocations of land</i> , and <i>Area Action Plans</i> (where needed). Other <i>Development Plan Documents</i> , including generic <i>Development Control Policies</i> , can be produced. They will all be shown geographically on a <i>Proposals Map</i> . Individual <i>Development Plan Documents</i> or parts of a document can be reviewed independently from other <i>Development Plan Documents</i> . Each authority must set out its programme for preparing its <i>Development Plan Documents</i> in the <i>Local Development Scheme</i> .
First Deposit Local Plan	The previous draft <i>Local Plan</i> , published for public consultation in December 2001.
Generic Development Control Policies	A suite of criteria-based policies which are required to ensure that development within the area meets the spatial vision and spatial objectives set out in the <i>Core Strategy</i> . They may be included in any <i>Development Plan Document</i> or may form a standalone document.
GOSW	The <i>Government Office for the South West</i>
Issues and Options	Produced during the early production stage of the preparation of <i>Development Plan Documents</i> and published for consultation purposes.
Key Diagram	Authorities may wish to use a key diagram to illustrate broad locations of future development.
Local Development Document	The term used in <i>the Act</i> for <i>Development Plan Documents</i> , <i>Supplementary Planning Documents</i> and the <i>Statement of Community Involvement</i> .
Local Development Framework	The portfolio of <i>Local Development Documents</i> . It consists of <i>Development Plan Documents</i> , <i>Supplementary Planning Documents</i> , the <i>Statement of Community Involvement</i> , the <i>Local Development Scheme</i> , and the <i>Annual Monitoring Report</i> . These documents will collectively provide the framework for delivering the spatial planning strategy for the local authority area, and may also include local development orders and simplified planning zones.
Local Development Scheme	A project plan that sets out the programme for preparing <i>Local Development Documents</i> . All authorities must submit a Scheme to the <i>Secretary of State</i> for approval within 6 months of commencement of <i>the Act</i> .
Local Strategic Partnership	A partnership of stakeholders who develop ways of involving local people in shaping the future of their area. They are often single non-statutory, multi-agency bodies which aim to bring together the public, private, community and voluntary sectors.
Local Transport Plan	5-year strategy prepared by each local 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.
Minerals and Waste Development Framework	In two tier areas, counties will be responsible for producing <i>Minerals and Waste Development Frameworks</i> and Schemes. The latter will be the equivalent of the <i>Local Development Scheme</i> . In unitary authorities and National

LDF Scope & Timetable – (Plymouth's Local Development Scheme).

	Parks, minerals and waste policies should be included in their local development frameworks.
Office of the Deputy Prime Minister	The Government department with responsibility for planning and local government.
Planning Policy Statement	A statement of national planning policy guidance produced by the ODPM.
Preferred Options Document	Produced as part of the preparation of <i>Development Plan Documents</i> , and published for formal public participation.
Proposals Map	The adopted proposals map illustrates on a base map (reproduced for, or based upon a map base to a registered scale) all the policies contained in <i>Development Plan Documents</i> , together with any saved policies. It must be revised as each new <i>Development Plan Document</i> 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 <i>development plan documents</i> 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 <i>Regional Spatial Strategies</i> (in London the <i>Spatial Development Strategy</i>).
Regional Spatial Strategy	Sets out the region's policies in relation to the development and use of land and forms part of the <i>development plan</i> . 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.
Saved Policies or Plans	Existing adopted development plans are saved for three years from the commencement of <i>the Act</i> . 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 <i>Local Development Scheme</i> should explain the authority's approach to saved policies.
Site-specific allocations and policies	Allocations of sites for specific or mixed uses or development to be contained in <i>Development Plan Documents</i> . Policies will identify any specific requirements for individual proposals.
Statement of Community Involvement	Sets out the standards which authorities will achieve with regards to involving the local community in the preparation of <i>local development documents</i> and development control decisions. The statement of community involvement is not a <i>development plan document</i> 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 Plan Documents	Provide supplementary information in respect of the policies in <i>Development Plan Documents</i> . They do not form part of the Development Plan and are not subject to independent examination.
Sustainability Appraisal	A tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic factors) and required to be undertaken for all local development documents.
SWRDA	South West Regional Development Agency

CITY OF PLYMOUTH

Subject: Modernisation of Short Break Services for People with a Learning Disability

Committee: Cabinet

Date: 13 July 2010

Cabinet Member: Councillor Monahan

CMT Member: Director for Community Services

Author: Pam Marsden, Assistant Director (Adult Social Care)
Community Services

Contact: Tel: 01752 307344
e-mail: pamela.marsden@plymouth.gov.uk

Ref:

Part: I

Executive Summary:

This report is seeking approval to engage users, carers and other stakeholders in a consultation around the future model for short break services for people with a learning disability.

In the light of both Putting People First strategy and Valuing People Now, we need to promote and support independence and offer a much wider range of alternatives for short breaks. By April 2011, Adult Social Care should have 30% of all service users with a personal budget. This will enable people to choose alternatives to the current residential short break services they receive.

We have two respite in-house units, Colwill and Welby offering a city wide service. Welby Respite Unit is in an outdated building and is not fully DDA compliant. People with complex physical disability needs cannot be supported at the unit. Colwill is a purpose-built facility.

We have been successful in a bid for a Capital Grant to modernise Colwill, which gives us the opportunity to reconfigure our current provision.

Corporate Plan 2010-2013:

This report links directly to the Council's corporate objectives around supporting users and carers and promoting independence. It links to Corporate Improvement Priority 3 (Helping People to Live Independently) and Corporate Improvement Priority 14 (Providing Better Value for Money).

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

The proposals around Welby will lead directly to budget savings whilst ensuring no decrease in the amount of short breaks available. We estimate that the full year financial saving will be approximately £350k.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

Equalities Impact Assessment has been completed. This will be reviewed and updated fully during the consultation process.

Recommendations & Reasons for recommended action:

It is recommended that:-

1. Consultation commence with service users and carers (using advocacy services and external facilitation where appropriate) and dedicated social work professionals about re-provision of short break services in the city
2. The successful capital bid to South West Regional Improvement and Efficiency Partnership provides the opportunity to also consult on combining residential short breaks onto one site and we recommend that the consultation takes this proposal into account
3. Consultation with staff and other stakeholders is commenced on the proposal
4. The results of the consultation in relation to short breaks are reviewed by the Learning Disability Partnership Board.
5. Health and Adult Social Care Overview & Scrutiny Panel are asked to review the proposal as the beginning of the consultation and review the outcomes prior to them being presented to Cabinet.
6. Alternative management arrangements are explored for Colwill through a partnership approach with the independent and/or voluntary and community sector, adopting the same approach as outlined above.

Alternative options considered and reasons for recommended action:

It would require significant future investment to improve Welby. We believe demand for this kind of provision will decrease with the promotion of personal budgets. Providing alternative respite arrangements will further promote choice and control for both users and carers.

Background papers:

None.

Sign off:

Fin	JB-CoSF AC10 11 002	Leg	JB 1135	HR	MG 100 6/004	Corp Prop		IT		Strat Proc	
Originating SMT Member: Pam Marsden											

**MODERNISATION OF SHORT BREAKS SERVICES
FOR PEOPLE WITH A LEARNING DISABILITY**

1. Learning Disability Commissioning Strategy 2008 - 2011

At the heart of this strategy we have prioritised the need to support family carers and to increase the range of short break opportunities, including increased support to maintain those with a learning disability at home.

Traditionally Plymouth City Council has delivered a residential short break service in two in-house units: Colwill and Welby. In addition the independent sector has provided a number of residential beds for people with complex needs.

2. Context for Change

Adult Social Care needs to change the way short breaks are offered to users and carers, particularly in light of a number of national strategies and policies including Putting People First and Valuing People Now – both of which promote person-centred planning and self-directed support. They emphasise the need to support people's independence, offer a wider range of innovative and alternative support than currently exists so that users and carers can exercise more choice and control over how they are supported.

The Government expects all Local Authorities to be able to offer all **people eligible for social care a personal budget from October 2010 and to have 30% of all service users with a personal budget by April 2011**. At the end of March 2010 there were 1814 people who had self directed support, 331 of whom had a personal budget. This represents 16.4% which exceeded the 15% target set for 2009/10.

A personal budget is the sum of money that the council has to spend on an individual persons care based on an assessment of their need.

This means that service users and carers have the money “upfront” to choose alternatives to the residential short breaks services they currently receive. For some, particularly those with complex conditions, traditional residential based services will be the services of choice. However as experience and confidence increases and as new opportunities become available we expect demand for such services to reduce over time.

Adult Social Care has also been successful in a bid to South West Regional Improvement and Efficiency Partnership for a capital grant to modernise our in- house services which will also give us the opportunity to consult on how we could reconfigure current provision to ensure the best outcomes for service users and carers.

This report seeks approval to engage users, carers and other stakeholders in consultation on the future model for short break respite services.

3. Proposals for re-provision of residential respite and short breaks

Definition

A short break is defined as “a session or more of care and support that enables a disabled or vulnerable individual to spend time away from the person(s) who provide them with regular and substantial care. This includes the provision of short breaks of day, evening and weekend activities as well as overnight stays. Such breaks can be provided in the individuals’ own home or in another setting.” (Valuing People Now)

People with learning disabilities are being encouraged and supported to aspire to lead ordinary lives and do the things, with support, that most people take for granted. The policy objective is to support people to live the lives they want as equal citizens in their community.

A major barrier to people having real choice and control over their lives is the way services plan and fund support. National and local experience of the introduction of self directed support, direct payments and personal budgets, supported by good person centred planning indicate these innovations are working well, there is increased take up and users/carers are experiencing better lives, including those with complex needs.

In this context we need to consider the appropriateness of traditional current residential respite and short breaks for people with learning disabilities to ensure individual choice and the best outcomes are achieved from public funds.

Current In-House Residential Short Break Provision

Plymouth City Council currently provides residential facilities for carers of adults with learning disabilities in the following facilities:

Residential Unit	Beds available	Occupancy 2008/09	Number of People Registered
Welby	10	83%	34
Colwill	10	81%	52

- There are 257 carers of learning disabled relatives in Plymouth.
- Of these there are 65 older carers aged over 70 caring for an adult with a learning disability.

As we introduce self directed support and personal budgets for service users and carers we expect to see a decline in the use of more traditional residential respite services over time. Nationally, we are seeing people choosing alternatives to traditional services such as:

- holidays away with friends or paid carers
- breaks at specialist activity centres
- support in their own homes to free carers to have time away

Welby

The facilities at Welby are outdated and are not fully DDA compliant. People with complex physical disability needs cannot be supported at the unit. Welby has been providing a planned short break service for people with learning disabilities from a Victorian property in the Peverell area of the city for over 20 years. It offers a city wide service, has 10 beds and the occupancy figures show that the demand is mainly for weekend breaks for carers. However, in recent years Welby has increasingly responded to requests to provide accommodation at short notice as a result of carers' breakdown or breakdown of other long-term care arrangements, especially for people with high support needs and challenging behaviour.

Colwill Lodge

Colwill Lodge has been in operation since 1990 and is a purpose-built facility in Estover providing a city wide service for people with a profound learning disability and complex physical and health needs that require high levels of personal care.

Potential Development on the Colwill Site

We have secured external grant funding of £250,000 from SW RIEP (South West Regional Improvement and Efficiency Partnership) and £80,000 from the Capital receipts (with contingency funding if necessary) to extend the service at Colwill Lodge to increase the support available from 10 to 14 beds. The full project was presented to the Capital Programme Board in December 2009 and received approval.

A feasibility study is now underway which will be completed by July 2010. Dependent on a successful outcome of the feasibility study and planning application, the completed extension could provide:

- 4 self contained apartments/flats designed to extra care standards fully DDA compliant and with the facility to enable people to bring their own care staff if required.
- Staff sleeping area and communal space
- Provision of planned bespoke short breaks for people with challenging behaviour living with family carers.

The potential redevelopment of the Colwill site provides the opportunity to realise the benefits and efficiencies set out in Section 5.4.1 of this report achieved through reprovision of in-house short breaks from a single site and therefore this proposal would form part of the consultation.

4. Independent Sector

There is further capacity in the independent sector to provide short breaks if required and to respond to emergency requests. In addition, as part of our strategy to promote choice and control, a range of options for short respite breaks has already been developed – for example, we have developed a Carer's Voucher Scheme whereby carers can be issued with vouchers to enable them to choose directly their preferred provision.

4.1 Budget

The budget for Welby is £819,620.00, and the budget for Colwill is £792,495.00. If there is a decision to de-commission Welby there would be a re-investment required in the independent sector to ensure that levels of service were not impacted upon.

Given current usage across both units combined with the growing use of direct payments and personal budgets, we estimate going forward that there will be a need for 14 beds (current number of beds across both units is 20). This could be achieved by extending the facilities offered at Colwill and incorporating all short residential breaks onto one site.

Emergency placements would be commissioned through the independent sector, although the proposal for the development of four individual units on the Colwill site would provide a flexible option and make available facilities that enable more individualised care for people who are in crisis. It is anticipated we will need 3 to 4 beds for this purpose.

In addition, a budget would be needed to develop community support to reduce emergency admissions. Therefore Colwill Lodge could provide a flexible resource that provides planned breaks for carers, short term residential support to people with complex physical and learning disabilities and those requiring emergency care.

4.2 Impact on budget availability for alternative provision in the independent sector.

Note that if the proposal is not accepted, the full year savings of £350k will still need to be identified from other areas within the Adult Social Care budget

4.3 Users of the Service

Consultation with all users and carers would be undertaken and supported by staff from the Learning Disability Partnership and Adult Social Care Commissioning Team. It will be conducted in a sensitive and supportive way and will take into account the individual's assessment of need. Some of the consultation will involve appropriately skilled external facilitators experienced in working with people with learning disabilities.

Consultation would include:

- Consultation with all users / carers and their families who are currently scheduled to use Welby for short breaks.
- Support will be available to users who may require assurance and extra support to contribute to the consultation, for example through an advocate.
- Consultation with users of Colwill to inform them of the potential to extend the facility and incorporate short breaks onto one site.
- Consultation with service user and stakeholder members of the Learning Disability Partnership Board and Plymouth People First.
- Provide information and support on the availability and access to direct payments/personal budgets.

4.4 Staff

A comprehensive human resource process and plan will be available and the relevant unions will be consulted with prior to any formal announcement to staff. This plan sets out in detail each step of the process, the timeframes involved and all the support and information staff will receive during the process.

Our intentions are to support our staff through the proposed de-commissioning if this decision is made following the consultation process and work towards finding suitable alternative employment (through the redundancy avoidance policy) with the Council. However, it is anticipated that not all staff will be successful in finding alternative roles and that some redundancies will be unavoidable.

4.5 Welby staff

The total number of staff on the Welby establishment is 21.

4.6 Future of the Welby building and site

An options appraisal will be undertaken by Asset Management on the building to consider its potential for future use if the decision is to de-commission.

5. Recommendations

It is recommended that:-

1. Consultation commence with service users and carers (using advocacy services and external facilitation where appropriate) and dedicated social work professionals about re-provision of short break services in the city

2. The successful capital bid to South West Regional Improvement and Efficiency Partnership provides the opportunity to also consult on combining residential short breaks onto one site and we recommend that the consultation takes this proposal into account
3. Consultation with staff and other stakeholders is commenced on the proposal.
4. The results of the consultation in relation to short breaks are reviewed by the Learning Disability Partnership Board.
5. Health and Adult Social Care Overview & Scrutiny Panel are asked to review the proposal as the beginning of the consultation and review the outcomes prior to them being presented to Cabinet.
6. Alternative management arrangements are explored for Colwill through a partnership approach with the independent and/or voluntary and community sector, adopting the same approach as outlined above.

CITY OF PLYMOUTH

Subject: Residential Care: Update on Modernisation of Older Peoples' Services 2005-2015

Committee: Cabinet

Date: 13 July 2010

Cabinet Member: Councillor Monahan

CMT Member: Director for Community Services

Author: Julia Penfound, Head of Modernisation

Contact: Tel: 01752 307344
e-mail: julia.penfound@plymouth.gov.uk

Ref:

Part: 1

Executive Summary:

This paper seeks to confirm agreement to the continued direction of travel in relation to the Council's Strategy.

In November 2005 Cabinet approved a new strategic direction to modernise older people's services over a 10 year period. Modern high quality extra care accommodation would be built in the immediate vicinity of our residential homes wherever possible.

Several of our older people residential homes were in outdated buildings that did not meet current day expectations. There are also no en-suite facilities in any of the remaining units.

This paper both updates on our progress to date and outlines the proposed continued direction of travel to achieve the 2005-2015 ambitions taking into consideration new national and local expectations.

Since 2005 we have achieved significant progress against the strategy set out in the Cabinet paper – specifically:

- Peirson was de-commissioned with the transfer of skilled staff into the Local Care Centre at Mount Gould
- Three new extra care facilities (Runnymede (Efford), St. Pauls (Torrige Way), Astor Court (Cattedown)) have been built and Paternoster de-commissioned.
- In April 2009 Thomas Pocklington decommissioned their residential care home and developed a purpose built extra care scheme on the same site. The care home and support contract was commissioned by Adult Social Care.
- Whitleigh Respite Home was decommissioned in January 2010
- Devonport Extra Care Scheme for 40 older people is due to be completed in January 2011
- We are currently exploring the possibility of developing an extra care unit in the Honicknowle area of the city however this is early days. We will be working with Housing Strategy Team to progress this further.

In November 2009 Cabinet agreed to the re-provision of alternative respite services within the city, and changing the registration of Frank Cowl and Stirling Residential Units to short-stay facilities. This change of registration has been implemented through changing the use of a long-stay bed to short-stay when a vacancy has arisen.

The Council has remained committed to its policy that no older person currently residing in a Plymouth City Council residential home will have to move. However, they will be offered first choice of the extra care accommodation available and built in the same neighbourhood.

Plymouth City Council are recognised as regional leaders in the successful delivery of extra care schemes. The next phase of our delivery plans proposes to continue to develop extra care accommodation, and to develop alternative forms of respite provision in consultation with users and carers, to support both older people themselves and their carers in having choices about the preferred type of service.

We currently have three long-stay residential homes for older people: Frank Cowl House, Stirling House and Lakeside.

- There are 22 beds in Frank Cowl House Residential Home in Devonport. Currently there are 8 long stay residents and 12 beds occupied for interim care (short stay). Work has commenced on a new scheme in Devonport which will be completed in 2011 and is part of the regeneration of this area. There will be 40 extra care units of accommodation in this scheme. It is recommended that we offer residents of Frank Cowl first choice of the extra care accommodation developed in Devonport.
- There are 28 beds in Stirling House Residential Home in Honicknowle. Currently 18 of these have long term residents and 6 beds occupied for interim care (short stay). We are currently exploring the possibility of securing land in Honicknowle and work is ongoing to acquire this to develop an extra care scheme. It is recommended that if an opportunity arose we would wish to engage service users and carers in consultation about the future of the unit without going back for Cabinet approval. The outcome of the consultation would be presented back to Cabinet for decision.
- Lakeside is a specialist dementia care facility and at present we have no plans to move to extra care given the increase in demand for residential support for people with dementia. However, the building is outdated and there may be opportunities to develop partnerships to re-provide services in the independent sector.

In July 2009 Cabinet agreed that residents of Frank Cowl should be offered first choice of the extra care accommodation developed in Devonport.

It is proposed that users and carers are consulted about alternative provision of the services currently available at Frank Cowl House. This would entail discussions with service users who use Frank Cowl House for short stay and discussions with current long-stay residents and their carers about the Extra Care Scheme at Devonport. Their views would then be taken into account in relation to decisions regarding de-commissioning. Those residents who wish to move from Frank Cowl House into this new unit with the same level of care and support will be able to do so.

However, no long-term resident will be forced to move as a result of this proposal.

This is not about reducing the amount of short stay provision, or residential support for people but offering a wider choice of alternatives

This is in line with the new national strategies for both Carers and Putting People First. These strategies emphasise the drive to significantly increase opportunities for people to have greater choice and control over their lives including introducing individual budgets and expanding direct payments.

Corporate Plan 2010-2013:

This report links directly to the Council's Corporate objectives outlined in Corporate Improvement Priority 3 (Helping People to Live Independently) and Corporate Improvement Priority 14 (Providing Better Value for Money)

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

The proposals around Frank Cowl House lead directly to budget savings while ensuring no decrease in the amount of overall provision. It is anticipated that the full year savings will be approximately £480k.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

Equalities Impact Assessment has been completed. This will be reviewed and updated fully during the consultation process.

Recommendations & Reasons for recommended action:

It is recommended that :-

1. Consultation with users and carers (using advocacy services where appropriate) and dedicated social work professionals about residential provision in the City and the use of Frank Cowl House for this purpose is commenced. Their views will be taken into account regarding any decisions concerning the de-commissioning of Frank Cowl House and the re-provision of alternative services.
2. To begin consultation with staff about the use of Frank Cowl House.
3. To offer residents of Frank Cowl House as part of the consultation first choice of the extra care accommodation developed in Devonport.
4. To work with all users/carers and the long-stay residents of Frank Cowl House on an individual basis to listen to their views and ensure that appropriate service provision is in place to meet their needs.
5. It is recommended that the results of consultations in relation to Frank Cowl House are

reviewed at Health and Adult Social Care Overview & Scrutiny Panel and that they are asked to review the proposal as the beginning of the consultation and review the outcomes prior to them being presented to Cabinet.

6. To put plans in place to consult at Stirling House with users and carers and follow the same process as outlined in no 5.
7. To explore partnerships to re-provide an improved facility for Dementia care and similarly to consult with users and carers adopting the same approach as outlined above.

Alternative options considered and reasons for recommended action:

To maintain our residential homes without significant future investment will not meet Care Quality Commission (formerly CSCI) minimum standards. Promoting Extra Care Housing as an alternative ensures accommodation of the highest quality and promotes independent living as outlined in 'Our Health, Our Care, Our Say' national strategy. Providing alternative respite arrangements promotes choice and control for individuals.

Background papers:

Cabinet Paper 29th November 2005 (Ref: C 61 05/06) – “Residential Care: Proposals to Modernise Older Peoples’ Services 2005-2015”

Sign off:

Fin	JB CoSF AC10 11 001	Leg	JB 1135	HR	MG 1006/0 04	Corp Prop		IT		Strat Proc	
Originating SMT Member: Pam Marsden											

**RESIDENTIAL CARE: UPDATE ON MODERNISATION OF OLDER
PEOPLES' SERVICES (2005-2015)**

1. Vision

Plymouth City Council is committed to supporting Older People to remain independent whenever possible within the community of their choice.

2. Strategy 2005 -2015

The strategy agreed at Cabinet in November 2005, set out a strategic direction for increased development of Extra Care facilities and the future of our residential homes. At the time of the 2005 Cabinet Paper there were 1,715 people permanently living in residential/nursing facilities across the City funded by the City Council, and by April 2010 this number has reduced to 1054.

We currently have 5 Extra Care Schemes in the City providing 158 independent apartments.

3. Context for Change

A number of national strategies have emphasised the need to maximise independence, offer a wide range of alternatives to support users and carers promoting choice and control.

In November 2009 Cabinet agreed to the re-provision of alternative respite services within the city, and changing the registration of Frank Cowl House and Stirling Residential Units to short-stay facilities. This change of registration has been implemented through changing the use of a long-stay bed to short-stay when a vacancy has arisen.

This paper seeks to confirm agreement to the continued direction of travel in relation to the Council's Strategy.

4. Current In-House Residential Service Provision

4.1. Plymouth City Council currently provides residential facilities for Older People in the following facilities.

Residential Home	Bed Availability	Occupancy 2009/10
Frank Cowl House	Total 22 Current Occupancy 8 Long stay 12 Short stay	92.75%

Stirling House	Total 28 Current Occupancy 18 Long stay 6 Short stay	97.5%
Lakeside – specialist support for Dementia	29 long stay 1 Short stay	94.96%

5. Extra-Care Facilities:

- Three new extra care facilities (St Pauls (Torrige Way), Runnymede (Efford), Astor Court (Cattedown)) have been built and Paternoster decommissioned.
- In April 2009 Thomas Pocklington decommissioned their residential care home and developed a purpose built extra care scheme on the same site. The care home and support contract was commissioned by Adult Social Care.
- Devonport Extra Care Scheme for 40 older people is due to be completed in January 2011
- We are currently exploring the possibility of developing an extra care unit in the Honicknowle area of the city however this is early days .We will be working with Housing Strategy Team to progress this further.

6. Alternative Short Stay arrangements:

Short Stay provision is usually arranged as interim accommodation whilst longer term plans are established to meet the individual's housing needs e.g. where certain adaptations need to be carried out to the person's own home prior to their return.

Over the last 4 years we have been developing key partnerships with independent sector care providers and PCC Housing Strategy Team to deliver a range of options for people in relation to short stay provision and there is a good supply of this type of accommodation within the city.

7. Proposals for modernising older people's services 2009 - 2015

Plymouth City Council is committed to supporting older people to remain independent whenever possible within the community of their choice. The proposals below outline the next phase in our ambitions to deliver on the 2005-2015 strategy but also reflect the national context as set out above.

7.1. Frank Cowl House

Frank Cowl House is a registered Care Home providing long and short stay personal care and accommodation for up to 22 people over the age of 50 years, who may have a physical disability.

Frank Cowl House is located in the Devonport area of Plymouth close to transport routes and local shops. It is a large purpose built detached two – storey building. All bedrooms are single and none have en-suite facilities. Frank Cowl House offers small single rooms and has a number of shared lounges and kitchen areas available to all users and would not now meet the new CQC (formerly CSCI) standards when opening a new residential service.

The unit employs 35 staff (22.3 Full time equivalent) across a range of roles including Domestic, Kitchen Assistants, Care Assistants, Assistant and Unit Managers

In November 2009 Cabinet agreed that the use of Frank Cowl House be changed from long stay to short stay and gradually reduce the numbers of people who are permanent within this unit over the next 2 to 3 years i.e when a long- term bed comes available it will revert to short-term. This reduction in long stay partly reflects our progress on ensuring people have more choice and control over where and how their services are delivered and that people are now either choosing alternative residential locations or are opting to manage this in different ways e.g. through Direct Payments – where we have seen a significant increase in takeup.

Following the change of registration of this unit from long stay to short stay units, as expected this has shifted the occupancy levels of Frank Cowl House from 11 long stay beds to 8 long stay beds. The remaining 14 short stay beds are currently being used for service users awaiting extra care, pathways flat, homeless or other housing issues.

As outlined above, the Devonport Extra Care Scheme is currently underway with contractors on site since October 2010. The expected date for completion is January 2011 and it will offer 40 extra care units. In July 2009 Cabinet agreed that residents of Frank Cowl should be offered first choice of the extra care accommodation developed in Devonport.

It is proposed that users and carers are consulted about alternative provision of the services currently available at Frank Cowl House. This would entail discussions with those people who use Frank Cowl House for short stay and discussions with current long-stay residents and their carers about the Extra Care Scheme at Devonport with a view to those people who wish to move from Frank Cowl House into this new unit with the same level of care and support will be able to do so. The views would then be taken into account in relation to decisions regarding de-commissioning.

However, no long term resident will be forced to move as a result of this proposal.

This is not about reducing the amount of short stay provision, or residential support for people but offering a wider choice of alternatives. These alternatives can range from a move to the extra care scheme for those who wish to move there, residential independent sector provision or to direct payments/personal budgets to enable users and carers a greater level of control over how they are supported.

7.2. Budget

Although this is not a budget-driven decision but is about providing better and more modern facilities nevertheless there will be budget implications.

The total budget for Frank Cowl is £894,936. Within the budget for 2010/11 savings have been identified to be achieved by alternative provision. It is anticipated that the full year savings would be approximately £480,000.

Note that if the proposal is not accepted the savings of £115,000 will still need to be identified from other areas within the Adult Social Care 2010/11 budget, and full year costs of £480,000 in 2011-12.

7.3. Users of the Service

Consultation with all users and carers would be undertaken and supported by both our Social Work team and Care Staff and will be conducted in a sensitive and supportive way. This process would be in line with Plymouth City Council's Service Review Policy for Older People with the aim to minimise disruption to service users wherever possible and every effort will be made to ensure fairness, consistency and equality of opportunity for all service users who are directly affected.

Consultation would include:

- Discussion with all long-stay residents and their family/advocates regarding the future of Frank Cowl House and the options available. These options will include exploring the option of transferring to the new Extra Care Scheme, or support to identify a new residential facility or should a resident not wish to move, advice and support on how we will continue to provide care and accommodation at Frank Cowl House.
- Consultation with all users/carers and their families who are currently occupying or scheduled to use Frank Cowl House for their short stay care during 2010. This will include support and assistance in identifying alternative solutions for short stay.
- Offers of support to any potential users who may contact us who may have been considering Frank Cowl House as a possible choice for a future short stay.

7.4. Staff

A comprehensive HR process and plan is available and will be agreed with all relevant unions prior to any formal announcement to staff. This plan sets out in detail each step of the process, the timeframes involved and all the support and information staff will receive during the process.

Our intentions are to support our staff through the proposed de-commissioning and work towards finding suitable alternative employment

(through the redundancy avoidance policy) with the Council. However, it is anticipated that not all staff will be successful in finding alternative roles and that some redundancies will be unavoidable.

7.5. Future of the Frank Cowl building and site

An options appraisal will be undertaken by Asset Management on the building to consider its potential for future use if the decision is to de-commission.

8. Stirling House

Implementation of the change of the registered use from long stay to short stay of Stirling House took place following Cabinet's decision last year. The service is gradually reducing the numbers of people who are permanent within the unit i.e. when a long-term care bed becomes vacant this will revert to short-term care. Once again, no long term resident will be forced to move as a result of this proposal. Currently there are 18 long term residents and 6 short stay residents at Stirling

We are currently exploring the possibility of securing land in Honicknowle with a view to developing an extra care scheme. If successful we would look to progress this scheme and engage with residents in the same way as with Frank Cowl House.

9. Lakeside Residential Home

Lakeside is a specialist dementia care facility and at present we have no plans to move to extra care given the increase in demand for residential support for people with dementia. However the building is outdated and there may be opportunities to develop partnerships to re-provide services in the independent sector in the future. Currently there are 29 long stay residents and 1 short stay resident at Lakeside.

In light of the strengthening relationships with providers we would like to explore formally potential partnerships to build an improved facility for people with dementia. Furthermore, we would like agreement to consult with service users and other stakeholders around such proposals.

10. Recommendations

It is recommended that :-

1. Consultation with users and carers (using advocacy services where appropriate) and dedicated social work professionals about residential provision in the City and the use of Frank Cowl House for this purpose is commenced. Their views will be taken into account regarding any

decisions concerning the de-commissioning of Frank Cowl House and the re-provision of alternative services.

2. To begin consultation with staff about the use of Frank Cowl House.
3. To offer residents of Frank Cowl House as part of the consultation first choice of the extra care accommodation developed in Devonport.
4. To work with all users/carers and the long-stay residents of Frank Cowl House on an individual basis to listen to their views and ensure that appropriate service provision is in place to meet their needs.
5. It is recommended that the results of consultations in relation to Frank Cowl House are reviewed at Health and Adult Social Care Overview & Scrutiny Panel are asked to review the proposal as the beginning of the consultation and review the outcomes prior to them being presented to Cabinet.
6. To put plans in place to consult at Stirling House with users and carers and follow the same process as outlined above.
7. To explore partnerships to re-provide an improved facility for Dementia care and similarly to consult with users and carers adopting the same approach as outlined above.

CITY OF PLYMOUTH

Subject: Fairer Contributions Policy, Charging within a personalised system

Committee: Cabinet

Date: 13 July 2010

Cabinet Member: Councillor Monahan

CMT Member: Director for Community Services

Author: Jo Yelland, Programme Lead for Putting People First and Integration

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Ref:

Part: 1

Executive Summary:**Charging for non-residential services**

The Department of Health has produced new guidance to councils on how they should charge people for non-residential adult social care services. The guidance requires that the new way of charging is implemented in 2010.

This revised policy paper sets out some of the changes that are needed to support a personalised system in Plymouth.

Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 allows Councils to make a reasonable charge for non-residential services they provide. Under the Community Care Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003 Councils are also required to treat people having a direct payment in the same way they would treat them if they were having a council provided service.

The original Fairer Charging Guidance (2003) was designed for an era of traditional local authority social care provision where people received services arranged by a local authority. However with increasing numbers of people receiving direct payments and the introduction of personal budgets through Putting People First (2007) there is a need to consider how an individual's contributions towards the costs of non-residential services should be assessed in the context of personal budgets.

We need to move from a system of charging linked to the costs of services to a contributions focussed system. This should be linked to an individual's personal budget and their ability to pay and not to the services that they ultimately utilise to meet their needs.

So, in summary, under personalisation an individual will make a contribution towards their personal budget which has been calculated to meet their needs and achieve their outcomes. This will be set out in an agreed support plan.

We also have a specific requirement to consult on component parts of a Fairer Contributions policy: such as how we plan to treat Disability Related Benefits and Disability Related Expenses.

Charging for Residential Services

Charging for residential service is governed under a different set of guidelines: Charging for Residential Accommodation Guidance (CRAG). Other than annual adjustments to uplifts in financial levels CRAG rules still apply for people moving into long term residential placements. We will therefore not be consulting on charging for residential services as there is no change to CRAG.

Corporate Plan 2010-2013:

This report links directly to the Council's Corporate objectives outlined in Corporate Improvement Priority 3 (Helping People to Live Independently) and Corporate Improvement Priority 14 (Providing Better Value for Money)

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

The Council currently receives in excess of £3,300,000 income from charging for services under the existing Fairer Charging Policy. The proposed revisions will have a significant impact on the charging system. We will still need financial expertise to ensure that our service users maximise their income through the benefits system but the new way of working proposed will greatly reduce bureaucracy which will drive efficiencies within back office functions, whilst making it more open and transparent.

Initial assessments of the impact of the policy indicate that there is a potential for a reduction in income for the Council in the region of £320,000. However this will be partly offset by increased efficiencies in administering the system. As this policy is linked to the overall transformation of Adult Social Care the financial impact of this policy has to be assessed in a wider context. This will be undertaken and completed during the consultation process.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

Equalities Impact Assessment has been completed

Recommendations & Reasons for recommended action:

We are seeking agreement to consult on the new guidance on charging for non-residential Adult Social Care services. Health & Adult Social Care Scrutiny Panel will be asked to review the outcomes of the consultation prior to them being presented to Cabinet.

Alternative options considered and reasons for recommended action:

None. There is a requirement to consult.

Background papers:

Department of Health Putting People First: a shared vision and commitment to the transformation of Adult Social Care (2007)

Department of Health Fairer Contributions Guidance: Calculating an Individual's Contribution to their Personal Budget (2009)

Department of Health Fairer Charging Policies for Home Care and other non-residential Social Services: Guidance for Councils with Social Services Responsibilities (2003)

Sign off:

Fin	COS F/AC 1011 003	Leg	DS 1138	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member: Pam Marsden											

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Plymouth City Council Fairer Contributions Policy
Charging within a personalised system

1. Background to this document

- 1.1 This document sets out the reasons why a revised policy on charging for non-residential services is required in the context of Putting People First, personalisation and the introduction of personal budgets.
- 1.2 The original Fairer Charging Guidance (2003) was designed for an era of traditional local authority social care provision where people received services arranged by a local authority. However with increasing numbers of people receiving direct payments and the introduction of personal budgets through Putting People First (2007) there is a need to consider how an individual's contributions, if any, towards the costs of non-residential services might be worked out in the context of personal budgets.
- 1.3 Putting People First is the Government¹'s vision for social care in the future. The main aim is to give people more choice and control over how they get support. As society is changing and more people are living longer with illness and disability we need to transform the way we provide adult social care as the current model is not fit for the future.
- 1.4 In summary, Councils have powers to charge adults in receipt of non-residential services and to decide on how much that charge will be. Changes are now required to the approach taken by Council's to support the development of personalisation.

2. Statutory and Legal Context

- 2.1 The Department of Health has produced new guidance to councils on how they should charge people for non-residential adult social care services. The guidance requires that the new way of charging is implemented during 2010. The guidance is issued under Section 7 of the Local Authority Social Services Act 1970 and is called 'Fairer Contributions: Calculating an Individual's Contribution to their Personal Budget' (July 2009).²
- 2.2 Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 allows Councils to make a reasonable charge for the non-residential services they provide and to decide on the level of the charge. Under the Community Care Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003³.

¹ Department of Health Putting People First: a shared vision and commitment to the transformation of Adult Social Care (2007)

² Department of Health Fairer Contributions Guidance: Calculating an Individual's Contribution to their Personal Budget (2009)

³ Department of Health Fairer Charging Policies for Home Care and other non-residential Social Services: Guidance for Councils with Social Services Responsibilities (2003)

Councils are also required to treat people having a direct payment in the same way they would treat them if they were having a council provided service.

- 2.3 Plymouth City Council responded to the 2003 guidance and last reviewed its charging policy in 2007. The charging approach that has evolved includes a mixture of standard flat rate charges that vary according to the type of service and the provider. This approach is not compatible in the context of personalisation.
- 2.4 Under the current charging scheme, income from charging contributes approximately 8% of the funding available for non-residential care services in Plymouth. Community service users contributions to care costs in 2009/10 were £3,300,000. About half of all service users do not contribute any direct funding to their care costs due to their low income and less than 1% contribute the maximum amount currently capped at £270 per week
- 2.5 Carers' specific services defined as those services which directly support carers but do not include personal care for the cared for person, are outside the scope of this report.
- 2.6 This Fairer Contributions Guidance (2009) sits alongside the Fairer Charging Guidance (2003) which, along with its underlying ethos and principles, is still valid, and the Charging for Residential Accommodation Guidance (CRAG) to which the Fairer Charging Guidance refers.
- 2.7 Charging for residential service is governed under a different set of guidelines so this policy only relates to people receiving non residential services.

3. Policy Background

- 3.1 The Fairer Contributions Guidance (2009) sets out how the policy should be applied under a personalised system. Under Putting People First the new system is intended to be fairer for all people, in that the contributions they make will reflect the actual care being given rather than the cost of services provided.
- 3.2 Therefore we need to move from a system of charging linked to the costs of services to a contributions system linked to an individual's personal budget and their ability to pay not the services that they ultimately utilise to meet their needs.
- 3.3 Adult Social Care services have to change so that:

- People who use social care services and their families will increasingly shape and commission their own services.
- Personal Budgets will ensure people receiving public funding are able to use available resources to choose their own support services.
- The state and statutory agencies will have a different role - more active and enabling, less controlling.

3.4 National milestones require Council's to offer all people eligible for social care a Personal Budget from October 2010 and to have 30% of all service users with a personal budget by April 2011.

3.5 Self Directed Support is the term used to describe a personalised system of care where the individual is supported to take more control over the assessment process. In this system the needs assessment links to a points system that calculates how much money the Council should spend to meet their needs. This is called a Personal Budget which can be a virtual budget, a Direct Payment or a mixture. This means that people will know up front how much money will be needed to meet their needs and individuals will have much more choice and control over how the money is spent.

4. Key Requirements of Fairer Contributions Guidance 2009

4.1 The overall purpose of the new guidance is to provide a framework within which Local Authorities must develop and implement a single contributions policy for Personal Budget users which is based on their ability to pay rather than the complexity of their needs or the size of the care and support package they require to meet those needs

4.2 What this will mean in practice is that people with a similar level of need for services may be asked to contribute different amounts to their Personal Budget if they have the (financial) means to do so. Service users will not be financially penalised for having high or complex care and support needs, and those who have relatively low needs will be no worse or better off than those with relatively higher needs.

4.3 There are a number of key principles that underpin the Fairer Contributions guidance, these are:

- The contributions policy is clear and transparent and easy to understand and challenge
- The contribution a customer is asked to make is financially assessed according to their ability to pay.
- The customer will not pay more than the cost of their care package.
- The contribution does not undermine the customer's independence of living by reducing their income to unsustainable levels.

- The contribution system will treat all services users equitably and ensure that people who choose direct payments are treated the same as those who chose council managed services
- The system ensures administrative efficiency and convenience for service users
- The system provides an early notification of service users likely contribution to care costs and financial assessment must follow needs assessment and resource allocation
- The contribution is applied to the whole of the care package / personal; budget received.
- There must be a fair and consistent approach to the application of disability related income and expenditure
- The contribution required is calculated in line with the Department of Health's Fairer Charging Guidelines.
- The financial assessment process will ensure that service users have an opportunity to maximise welfare benefits and reduce the burden of funding that may transfer to the council
- All customers who are financially assessed as being able to make a contribution to their care costs must pay the charge.
- The system must take into account the implications on service users and carers to ensure that if necessary transitional measures are put in place to mitigate

4.4 Services that fall within the Fairer Contributions Policy

All types of social care services including:

- Day care.
- Personal Home Care (Domiciliary Care)
- Domestic Help
- Extra Care Housing.
- All non residential Personal Budgets

4.5 Services that must not be subject to the Fairer Charging Policy.

- Information, Advice and Guidance provided by the Council.
- Financial assessments.
- Reablement services.
- Long term residential care services which will be chargeable under the Government's Charging for Residential Accommodation Guide (CRAG).
- No charge will be payable for minor adaptations and equipment costing a total of under £1,000.

4.6 Circumstances when a customer cannot be charged.

There are circumstances in which people are exempt from being required to make a contribution. These are:

- People suffering from Creutzfeldt Jacob Disease (CJD)

- People who have been infected with hepatitis C as a result of NHS treatment with blood or blood products.
- People subject to aftercare arrangements under Section 117 of the Mental Health Act 1983
- Children and young people under 18 years will not be assessed and charged under the Fairer Charging policy.

5. Proposals

- 5.1 The issues that will have to be considered in the Fairer Contributions Policy upon which consultation will be based are set out in table 1

Table 1: Issues to consider during consultation

	Current Charging Scheme	Proposed Options for the Fairer Contributions Policy
A. Change the system so that financial assessments begin at the start of the assessment process so people know up front how much money they are likely to contribute to their care	Financial assessments are conducted at the end of the assessment process and service users are often unaware that they may have to pay towards their care and this is the subject of complaints.	A simple financial assessment is conducted at the beginning of the process so that people enter into an assessment knowing the likelihood that they may have to make a contribution and a full financial assessment and benefits maximisation check is completed during the Self Directed Support Process
B. Review the minimum contribution level to ensure the council gets value for money	A minimum collectable charge has been set at £2.50 per week but this needs a revision as an initial assessment indicates this is set too low.	There is a minimum collection level set each year to ensure cost effectiveness
C. Set a maximum % contribution against the value of a personal budget.	A maximum charge is set at a capped fee level of £270 per week The current cap is lower than guidance states but any cap means that even if people can afford to pay for their care they are not required to do so. This approach is inequitable as it means that those with lower incomes are being asked to contribute proportionately more than those who are better off. Also the Council is not realising the level of income it should.	Adopt an equitable Fairer Contributions policy for all service users contributions based on ability to pay and contribution to the personal budget. The simplest and most equitable approach is to set the maximum contribution at 100% of the personal budget.

	Current Charging Scheme	Proposed Options for the Fairer Contributions Policy
D. Review subsidies so that there is equitable access and choices for all service users <i>or</i> remove services from personal budgets	There are a number of services that are subsidised by the council such as day care. The subsidy is inequitable as it disadvantages people who choose to have a Direct Payment. The subsidy approach also creates disincentives for some people to take more control over their own support. Level of subsidy means some providers are also disadvantaged	Adopt an equitable Fairer Contributions policy for all service users and assess contributions based on ability to pay. If subsidies remain in the service this does create an additional administration burden. The Council would have to operate a two tier system which would create additional costs. A 2 tier system will not be easy to explain to services users
E. The system ensures administrative efficiency and convenience for service users: consider whether to continue to include Disability Related Benefits (DRB) and Disability Related Expenditure (DRE) in the assessment process	DRB are included in the income for financial assessment purposes and therefore people are allowed to claim discounts for DRE: this is very complicated and time consuming and makes it very difficult to advise people up front what their likely contribution will be. Due to this complexity social care budgets are sometimes used to pay for services that DRB are designed to meet; therefore some people have income from welfare benefits and from social care to contribute to the same expenses. For example people with benefits to help address mobility needs can claim for the costs of their travel to be deducted from their income for financial assessment purposes and may also get council funded transport to day services	Adopt an equitable Fairer Contributions policy for all service users and assess contributions based on ability to pay and exclude DRB and DRE in the assessment process on the basis expenses incurred in relation to a disability are met by the benefits intended for the purpose. Therefore clear guidance can be given to care managers to ensure that council funding is not used to meet needs that are addressed through the welfare benefits system
F. Financial Assessment and contribution levying should not be applied to any one service in isolation; the process should be applied to whole packages of care	When residential respite in care homes is part of a care plan the council uses CRAG process to assess charge for this part of the care plan	Adopt an equitable Fairer Contributions policy for all service users contributions based on ability to pay and contribution to the personal budget.

	Current Charging Scheme	Proposed Options for the Fairer Contributions Policy
and support		
G. What Transitional Support should we put in place for people whose contribution may increase as a result of the changes and how long should this be for?	There will be some people who may have to pay more under a Fairer Charging System and some who will pay less. Support will be needed for those who may have to pay more. There are a number of options which can be tested out through consultation such as a fixed time limits such as 1 year protection of phased limits with a lowering scale of protection over 1-2 years	

6. Financial Impact on the Council

- 6.1 The guidance is clear that modernising charging policies in line with personalisation should not in itself be seen as an opportunity for Councils to increase their income from client contributions. Initial high level assessments indicate a potential loss of income to the councils could be in the region of £320,000. However any loss of direct income will be off set by increased efficiency savings from across the whole system of personalisation.
- 6.2 During the consultation process a detailed financial analysis will be undertaken to ensure that there is transparency about the potential impact on the Council's income from any changes made.

7. Recommendations

- 7.1 There is a new system for calculating people's contribution to the cost of their adult social care services. We are required by Government to put this new system into action during 2010. This will mean a change in the way individuals contributions are worked out.
- 7.2 There is no option to not implement these changes. There are some things the council will have to do and there are some discretionary elements. The council will have to:
- Change the system so that financial assessments begin at the start of the assessment process so people know up front how much money they are likely to contribute to their care
 - Set a maximum % contribution against the value of a personal budget.
 - Review the minimum contribution level to ensure the council gets value for money
 - Consider no longer using CRAG rules for calculating charges for residential respite/short breaks components of a care package.
 - Remove subsidies so that there is equitable access and choices for all service users *or* remove services from personal budgets

7.3 It is recommended that Cabinet give permission to allow for a period of statutory consultation in order that we can ask people's views on the discretionary elements of the policy. These are

1. Whether we should remove Disability Related Benefits from assessable income and therefore the removal of the Disability Related Expenses from the financial assessment process to reduce bureaucracy and simplify the process?
2. Should we set the maximum contribution at 100% of the personal budget to ensure equity for all service users?
3. What transitional support ought to be put in place to help people whose contributions have changed?
4. How best to inform people of this change and how it will affect service users?

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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