

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Cabinet

Date: **Thursday, 21st September, 2017**

Time: **6.30 pm**

Venue: **Council Chamber, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

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01623 457318

CABINET

Membership

Chairman:

Councillor Cheryl Butler

Councillors:

Amanda Brown
Don Davis
Keir Morrison

Tim Brown
Jackie James
Nicolle Ndiweni

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SUMMONS

You are hereby requested to attend a meeting of the Cabinet to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



R. Mitchell
Chief Executive

AGENDA

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1. **To receive apologies for absence, if any**
2. **Declarations of Disclosable Pecuniary and Personal Interests and Non-Disclosable Pecuniary / Other Interests**
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Portfolio Holder: Cllr Jackie James

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CABINET

**Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,
on Thursday, 13th July, 2017 at 6.30 pm**

Present: Councillor Cheryl Butler in the Chair;
Councillors Amanda Brown, Tim Brown,
Don Davis, Jackie James and Keir Morrison.

Apologies for Absence: Councillors Nicolle Ndiweni.

Officers Present: Craig Bonar, Edd deCoverly, Ruth Dennis,
Katherine Green, Sharon Lynch, Alan Maher,
Robert Mitchell and Paul Parkinson.

In Attendance: Councillor Paul Roberts.

CA.10 Declarations of Disclosable Pecuniary or Personal Interests and Non-Disclosable Pecuniary / Other Interests

No Declarations of Interest were received.

CA.11 Minutes

The Minutes of the Cabinet meeting held on Thursday 22 June 2017 were approved as a true record.

CA.12 General Fund and Housing Revenue Account (HRA) 2016/17 and Budget 2017/18 Update

Members considered the revenue outturn for 2016/17. They were reminded that these were the unaudited figures and that the final statement of accounts would be submitted to the Audit Committee in September.

The report made it clear that the revenue outturn had been significantly better than expected, both for the General Fund and the Housing Revenue Account. The reasons for this were explained. They included lower than projected expenditure on 'Transfer Payments', such as Housing Benefits, the return of substantial balances from the former Ashfield Homes, including management fees payments and earmarked reserves, as well as greater than expected levels of income and external funding.

In this context, Cabinet was informed that the Council had received £181k from the Nottinghamshire Business Rate Pooling arrangement. Members welcomed this and the benefits of the rate pooling arrangement as a whole.

The report recommended that various budgets be reallocated to meet the cost of additional expenditure, already incurred during the current financial year.

Cabinet was also asked to establish several earmarked reserves. These would fund key projects in 2017/18, linked to the Council's corporate goals and objectives as well as to meet specific financial pressures, such as redundancy costs.

Cabinet discussed the report. Members were pleased that through effective political leadership and officer management the Council had been able to successfully build up its reserves. This meant that it was in a far better position to meet the financial challenges which it faced as a result of continued budget reductions and to achieve its goals for the community.

RESOLVED:

- a) That Cabinet notes the revenue outturn for the General Fund;
- b) That Cabinet notes the revenue outturn for the Housing Revenue Account;
- c) That Cabinet approves the reallocation of budgets for 2017/18 as identified in Section 2 of the report;
- d) That Cabinet approves the increase in the General Fund budget funded from the Earmarked Reserves.

Reasons

To report to those charged with Governance the financial position for the end of 2016/17 and comply with the Council's Financial Regulations.

CA.13 Capital Outturn 2016-17

The report to Cabinet gave details of the lower than expected Capital Expenditure, both for the General Fund and the Housing Revenue Account. Capital Expenditure had been nearly £2M less than originally expected. This was primarily due to slippage or delays in implementing a range of projects during the last financial year.

Members heard the reasons for the slippage. They learned that less money had been spent on replacement vehicles because the existing ones had been kept in service for longer. They were told that the Better Care Fund Schemes had been under spent because there had been long delays in the Council receiving the funding for them. Cabinet also heard that there had been slippage on the Housing Revenue Account. One of the reasons for this was because the Council had been asked by tenants not to carry out optional improvement work on their homes, such as the installation of new kitchens.

Cabinet discussed the delays in carrying out improvement works to the housing stock. Members were told that any necessary improvements to the housing stock, such as repairs to roofs, were carried out as and when required. Cabinet was assured by this. Cabinet was also told that the funding for any optional improvements which existing tenants had declined to take up was ring fenced, so that they could be carried out at a later date, for instance

when the tenants surrendered their tenancies. Members welcomed this.

RESOLVED

- a) That Cabinet notes the outturn position of the 2016/17 Capital Programme;
- b) That Cabinet notes the slippage on the Capital Programme and allows this to be carried forward to the 2017/18 Capital Programme;
- c) That this change be recommended to Council for approval.

Reasons

To report to those charged with Governance the financial position for the end of 2016/17 and comply with the Council's Financial Regulations.

CA.14 Council's Treasury Management and Borrowing Activities 2016-17

The report explained how the Council performed during the 2016/17 financial year against the prudential indicators for borrowing and investing money. This made it clear that the Council had performed well and had secured higher than projected investment income.

Cabinet discussed the report. Members welcomed the contribution which effective Treasury Management and Borrowing Activities had made to building up the Council's financial reserves. During the discussion Members queried whether loans taken out when interest rates had been higher could be paid off early in order to make a saving. It was explained that the repayment date for loans had to be assessed on a case by case basis and especially whether any penalty charges imposed for ending agreements early would offset the benefits of no longer having to make the planned repayments.

RESOLVED

That Cabinet notes the Council's performance with regards to its Treasury Management and Borrowing activities as set out in the report.

Reasons

To meet the requirements of the council's Financial Regulations.

CA.15 Council's Insurance Requirements

The report to Cabinet set out the Council's Insurance Requirements for 2016/17. It stated that there were balances of £122k on the Liability Fund, £206k on the Property Fund and £85k on the Housing Revenue Account (HRA) Insurance Reserve at the end of March 2017.

The report explained the changes which had been made to the insurance reserves. These reserves are held in order to meet the cost of any successful claims brought against the Council. It was made clear that a further £100k had been transferred into these reserves to cover any liabilities during 2017/18.

Members were told that the Council's overall insurance premiums had increased. The reasons for this were discussed. Members were told that the Council was now responsible for the insurance cover previously purchased by Ashfield Homes, which had increased the cost of its premiums. However, the combined cost was still lower than if the insurance cover had continued to be procured separately. Cabinet welcomed this.

Finally, Cabinet was asked to ring fence £10,000 from the Insurance Reserve. The fund would be used to reimburse the cost of personal tools used by employees for Council work that are stolen. In this context, Members heard about an employee who had recently had his tools stolen from a Council vehicle.

Cabinet discussed the proposal and in particular the security measures which employees would be expected to take in order to make their tools as safe as possible, such as keeping them in a special locked area when leaving them in vans overnight. These measures were seen as appropriate.

Cabinet also discussed the case of the employee whose tools had recently been stolen. Members felt that it would be appropriate for this employee to receive compensation for the loss as a gesture of good will.

RESOLVED

- a) That Cabinet notes the contents of the Annual Report on Insurance;
- b) That Cabinet approves the creation of a scheme allowing employee personal tools to be insured by the Council;
- c) That Cabinet notes that £10,000 will be ring fenced from the Insurance Reserve to fund claims as outlined in the policy;
- d) That Cabinet approves the partial retrospective reimbursement for the Housing Service employee who had his tools stolen from a Council vehicle on 12 June 2017.

Reasons

To meet the requirements of the Council's Financial Regulations.

CA.16 Selective Licensing Update

The report updated Cabinet on the Selective Licensing Scheme. The scheme which covers the Stanton Hill and New Cross areas of the District, was intended to promote better private sector rented housing. Landlords in the two areas now have to apply for a licence. This licence requires them to manage appropriately their rented properties and to keep them in a good state of repair.

Members were told that since the scheme was launched in February 2017, the scope of the scheme had grown. An estimated 950 residential properties would now have to be covered by a licence. As a consequence, both the task of administering the scheme and the income obtained from the licences would be greater than expected.

The report suggested that the additional licence income should be reinvested into the scheme, by increasing the number of officers and creating an online application process. This would make it easier for potential landlords to apply for licences.

Cabinet discussed the report. There was a consensus that the scheme had improved the quality of private rented housing in the two areas. This had benefited both the tenants and the community as a whole. Members felt strongly that the approach should be extended across the District. However, they recognised that this would need to be linked to the Council's capacity to manage it and so an incremental approach would have to be adopted. Cabinet asked for a further report on how Selective Licensing could be implemented elsewhere in the District.

RESOLVED

- a) That Cabinet notes the report;
- b) That Cabinet agrees to extend the current 15 month secondment Enforcement Officer (Private Sector Enforcement) to a full two-years, from the commencement date of the post in November 2016;
- c) That Cabinet agrees to the creation of an additional full-time Environmental Health Officer (EHO) in the Private Sector Enforcement Team for a period of 18 months, in order to increase further the level of resources to the end of Year 2 of the scheme;
- d) That Cabinet agrees to allocate £30,000 to develop an on-line application process for selective licensing;
- e) That a further report be submitted to Cabinet in early 2018, providing a further update and to include proposals for adopting similar designations in other parts of the District, subject to both a needs assessment and further evaluation of effectiveness.

Reasons

To provide up to date information on the scheme and to address its needs for additional capacity.

CA.17 Exclusion of Public and Press

RESOLVED

That in accordance with the provisions of Section 100A of the Local Government Act 1972, the press and public be now excluded from the meeting during the following items of business on the grounds that they are likely to involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act in respect of which the Proper Office considers the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

CA.18 Potential Land Acquisition

The report set out a proposal for the potential purchase of land in the District. The proposals were discussed and agreed by Cabinet.

RESOLVED

- a) That Cabinet authorises officers to enter into negotiations for the purchase of the proposed sites as set out in the report;
- b) That the officers be instructed to make an offer for the purchase of the proposed sites, in line with an independent valuation, market value and the potential for financial and social return on the investment;
- c) That an increase in Capital Programme as set out in the report be recommended to Council for approval;
- d) That in the event of the Council's offer being accepted, Cabinet authorises the Director of Housing and Assets to finalise negotiations and for the Director of Legal and Governance to complete the legal transaction;
- e) That Cabinet receives a further report assessing the viability and options for the overall site.

Reasons

To evaluate options for the potential purchase of the land

CA.19 Housing Revenue Account (HRA) Property Investment

Members were asked to support a proposal that, if successful, would enable it to purchase residential properties in the District. Cabinet discussed and agreed to support the proposal.

RESOLVED

- a) That Cabinet notes the bid submitted to purchase residential properties in the District along the lines set out in the report;
- b) That subject to the bid being successful, Cabinet delegates authority to the Director of Housing and Assets to finalise negotiations and the Director of Legal and Governance to complete the legal process for the transfer of the properties;
- c) That Cabinet recommends to Council that the Capital Budget be increased by the bid amount to fund the potential purchase, subject to a successful bid.

Reasons

To increase the Council's stock of social housing.

The meeting closed at 7.30 pm

Chairman.

Report To:	CABINET	Date:	21 SEPTEMBER 2017
Heading:	RENEWAL OF SERVICE LEVEL AGREEMENT – LEGAL SHARED SERVICE		
Portfolio Holder:	CLLR CHERYL BUTLER – LEADER OF THE COUNCIL		
Ward/s:	N/A		
Key Decision:	YES		
Subject To Call-In:	YES		

Purpose Of Report

To update Cabinet in respect of the shared legal service since the arrangements were put in place in November 2012 and to approve the extension of the service for a further five years.

Recommendation(s)

1. To approve the renewal of the Shared Service Agreement for the provision of Legal Services by Ashfield District Council (ADC) to Mansfield District Council (MDC) for a period of five years;
2. To grant delegated authority to the Director of Legal and Governance to review the terms of the current service level agreements for services shared with MDC and to finalise appropriate changes to the original form of agreement in light of current needs and arrangements.

Reasons For Recommendation(s)

The Service Level Agreement (SLA) for the provision of legal services by ADC to MDC began on 1 November 2012 for a period of five years. The SLA is due to expire on 30 October 2017, however, there is a provision for the agreement to be extended for a further five years.

The original drivers for change were:-

Increased Resilience

To develop a robust service with the capacity to adequately and flexibly respond to the changing demands of client groups and stakeholders.

Increased Synergy

To deliver a service that is consistent in the advice it provides, the working practices, systems and processes it employs and the work types it undertakes.

Shared Skills and Expertise

To transfer skills and expertise throughout the service to address gaps in knowledge and contribute to the development of a more robust, resilient and effective service.

Improved Efficiency (cashable and non-cashable savings)

To reduce the cost of delivering legal services to both local authorities and identify the potential for improving working practices, systems and processes.

It is considered that these drivers have been met and the team continues to develop and strive to improve performance. It is considered that the shared legal team provides a good service which is value for money for both authorities. Both Authorities start from the basis of wanting to retain an in-house legal service against the backdrop of decreasing budgets.

MDC took a decision on 23 August 2017 to seek to renew the shared service arrangement for a further five years.

Alternative Options Considered (With Reasons Why Not Adopted)

The withdrawal from the shared service arrangement such that each authority provides its own in house service is an alternative option but is not recommended as this would create significant disruption to the effectiveness of the service provision whilst new teams are put in place. The retained teams would be relatively modest in size thus reducing the resilience and breadth of expertise across the in house service. This would be contrary to the initial drivers for entering into the shared service five years ago. The need to seek external advice would consequently increase, thus increasing service costs. MDC also considered and rejected this alternative option.

The service could be provided by the private sector or other providers. This option is not considered as this would be costly and is also contrary to the intention of the Council to retain an in-house provision.

Detailed Information

Establishment of the Legal Shared Service

As a result of the predicted pressures on local government resources and the need to develop new efficient and innovative approaches to service delivery, ADC and MDC began to discuss formal partnership working proposals during 2010.

During 2011/2012 a business case for a shared legal service was developed on the back of increased close collaborative working across the two legal sections over the preceding years.

The two Authorities decided to formally create a shared legal service in the summer of 2012 and agreed that:

- The host for the Legal Shared Service was to be ADC;
- The location for the Legal Shared Service was to be ADC;
- The cost of the shared service was to be split 53.8%(MDC)/46.2%(ADC).

MDC's employees transferred to ADC on 1 November 2012, pursuant to TUPE legislation.

The SLA for the Legal Shared Service follows the template format used for all shared services with MDC with appropriate amendments for the specific service provision and agreed KPI's.

The Legal Shared Service Now and Going Forward

Vision and Purpose

The Legal Shared Service's Business Plan sets out the future vision and purpose of the shared service as follows:

Vision: Working together to grow an efficient, effective & resilient business

Purpose: A sustainable business which provides a high quality legal service enabling others to achieve their objectives

What does a 'Good' Legal Service look like?

We believe that a good Legal Service will:

- Provide a 'one stop shop' for all legal needs
- Support client departments, officers and Members to deliver their objectives
- Ensure the Councils remain lawful
- Provide legal advice and representation to a good quality standard
- Provide options not answers
- Ensure adherence with Freedom of Information and Data Protection legislation
- Provide legal related training for service areas

The legal team and the Director of Legal and Governance are committed to ensuring the accessibility of high quality legal advice, assistance and representation across both Councils. This is not always an easy task with our services being called upon by two authorities each with its own priorities, but we strive to ensure we take a partnership approach and listen to the service needs of both Councils. For instance, MDC requested a greater presence at MDC to ensure that legal advice is readily accessible. Initially a drop-in service for two days a week was provided; this has now been developed to provide a presence at MDC on a daily basis but this is worked flexibly enough to ensure that commitments for ADC are also maintained.

In order to inform the potential service extension process a legal service review was carried out during 2016 and the Principal Solicitor and Director of Legal and Governance have worked closely with the Director of Governance at MDC to assess the performance of the service to date and ways to improve service provision in the future.

The review concluded that the shared legal service has delivered greater resilience and development of expertise for both Authorities. There are numerous examples which demonstrate learning is applied across both Authorities; these include, Interim Anti-social Behaviour Injunctions, PSPO's, car parking orders, commercialism, health and safety prosecutions and preparation for the new General Data Protection Regulations to name a few. This approach allows efficient delivery of the service in house for both Councils and also reduces the need to seek external expertise and thus control external legal expenditure.

Following the service review the team has been developing its digital capability. A jointly funded legal case management system (IKEN) was introduced in April 2017 and a considerable amount of resources have been devoted to ensuring its smooth implementation. Whilst it is still in its early days the benefits of the system will include automated reporting on performance indicators, automated time recording and more efficient ways of working.

Improved performance has been demonstrated by:-

- Regular reporting on Key Performance Indicators to both the Director of Legal and Governance for ADC and the Director of Governance at MDC – demonstrating improvement across all KPI's over the past 18 months
- Customer satisfaction – this indicator has shown a clearly improving trend since 2014. Overall satisfaction with service has improved from 55% in 2014, to 84% in 2016 to 97% in 2017. Satisfaction with advice/outcome has improved from 84% in 2016 to 91% in 2017.
- Quality assurance - legal files are reviewed by both Councils on a monthly basis to assess the standard of advice and performance against KPIs

A value for money exercise has been carried out comparing the costs of the shared legal service to the current hourly rates charged by EM Lawshare, the local authority legal advice consortium of which both Councils are members. Unsurprisingly, the internal provision demonstrates a considerably more economical option than if the service was wholly sourced from the private sector.

On the basis of the overall cost and performance of the Legal Shared Service, the advantages to resilience and breadth of expertise it is considered to be both value for money and a good service for both Councils. MDC has already taken a decision to agree to renew the arrangement for a further five years. The continuation of the shared service for a further five years is therefore recommended.

Review of the Service Level Agreements

The SLA's for all the shared services between ADC and MDC follow the same format which was developed during 2011/2012. As such, it is recommended that whilst the main provisions will remain relevant, due to the passage of time a review of the terms and practical arrangements contained in the agreements should be reviewed. For instance, governance arrangements put in place six years ago are now no longer in place but the SLAs do not reflect this changed position. It is recommended that the Director of Legal and Governance is given the delegated power to work with her counterpart at MDC to review, update and finalise SLA formats.

Implications

Corporate Plan:

The provision of a robust, responsive, high quality legal service is critical to the enabling the delivery of all of the Council's priorities.

Legal:

Both councils are local authorities for the purpose of Local Government Act 1972 and best value authorities for the purposes of the Local Government Act 1999. The creation and continuation of the Shared Service is based upon the following powers:

- Local Authority (Goods and Services) Act 1970, s.1
- Local Government Act 1972, ss.111-113
- Local Government Act 2000, ss.19-20
- Local Authorities (Arrangements for the Discharge of Functions Regulations) 2000

The current SLA commenced on 1 November 2012 for an initial period of five years ending on 31 October 2017. The SLA allows for extensions of further five year periods subject to satisfactory performance.

Finance:

This report is effective from 21/09/2017 and has the following financial implications:

Budget Area	Implication
General Fund – Revenue Budget	The cost of the Shared Service for 2017/18 is budgeted at £745k. Of this, 46.2% is borne by Ashfield DC, and 53.8% will be recharged to Mansfield DC.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	Of Ashfield’s proportion of the cost of the Service, £54k is recharged to the HRA.
Housing Revenue Account – Capital Programme	

Human Resources / Equality and Diversity:

An Equality Impact Assessment (EIA) screening exercise was undertaken when the original proposal was considered. A further initial EIA has been undertaken which shows there are no direct implications on equality and diversity as a consequence of the proposals and recommendations outlined within this report.

The Legal Shared Service employees are employed by ADC on its terms and conditions following a restructure during 2013.

Other Implications:

Report Author and Contact Officer

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Agenda Item 5



Report To:	Cabinet	Date:	21 st September 2017
Heading:	UPDATE OF THE ASHFIELD LOCAL DEVELOPMENT SCHEME		
Portfolio Holder:	CLLR. DON DAVIS - DEPUTY LEADER (and Economic Growth)		
Ward/s:	ALL WARDS		
Key Decision:	Yes		
Subject To Call-In:	Yes		

Purpose Of Report

To update the Ashfield Local Development Scheme which sets out the Council's programme for the production of the planning policy document that form the Ashfield Local Plan.

Recommendation(s)

It is recommended Cabinet resolve that the Ashfield Local Development Scheme, as set out in Appendix One, is approved and brought into effect from 21st September 2017.

Reasons For Recommendation(s)

To adhere to the legal requirement to maintain an up to date Local Development Scheme under the Planning and Compulsory Purchase Act 2004.

Alternative Options Considered (With Reasons Why Not Adopted)

There is no alternative option as legislation requires the Council (as the local planning authority) must revise the local development scheme at such time as they consider appropriate.

Detailed Information

The Council is required to produce a Local Development Scheme (LDS) that provides a programme for the production of the planning policy document (development plan document) that forms the Ashfield Local Plan. The Planning and Compulsory Purchase Act 2004 (P&CP Act) sets out that the Council as the local planning authority must revise the LDS at such time

as they consider appropriate. It is a legal requirement to have an up-to-date LDS, as this is one of the tests of legal compliance at the examination of a local plan.

Due to events outside of the Council's control the Council has not been able to progress the Local Plan in line with the timetable set out in the current LDS (considered by Cabinet at its meeting of 19th January 2017). As such the LDS has been revised to include the amended Local Plan timetable.

The revised LDS is set out in Appendix One to the Report.

It is recommended Cabinet resolve that the Ashfield Local Development Scheme, as set out in Appendix One, is approved and brought into effect from 21st September 2017.

Implications

Corporate Plan: The LDS identifies the programme for the production of planning policy documents forming the Ashfield Local Plan, which is a key priority within the Corporate Plan.

Legal: Local Planning Authorities are required under the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011, to prepare and maintain a Local Development Scheme (LDS) which is updated when considered appropriate. The Planning and Compulsory Purchase Act 2004, Section 15(7) states that 'To bring the scheme into effect, the local planning authority must resolve that the scheme is to have effect and in the resolution specify the date from which the scheme is to have effect. (Section 15 (7)).

Finance: There are no direct financial implication in relation to the approval of the updated LDS.

This report is effective from 21/09/2017 and has the following financial implications:

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Human Resources / Equality and Diversity: There are no direct HR implications contained within this report.

Other Implications: No other implications have been identified.

Reason(s) for Urgency (if applicable): N/A

Exempt Report:

Background Papers

Report Author and Contact Officer

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Rob Mitchell
CHIEF EXECUTIVE

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Local Development Scheme

September 2017

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APPENDICIES

- Appendix 1: List of Abbreviations and Glossary
- Appendix 2: Ashfield District Context Plan
- Appendix 3: Development Plan Schedule
- Appendix 4: Development Plan Documents Timetables

1.0 INTRODUCTION

- 1.1 Appendix 1 includes a glossary of terms and acronyms used in this document.
- 1.2 Local Planning Authorities (LPA) are required under the Planning and Compulsory Purchase Act 2004 to prepare and maintain an up to date Local Development Scheme. Legislation has changed the way in which authorities prepare and submit their Local Development Schemes, but it does not remove the requirement for a LPA to have an up to date Local Development Scheme in place.
- 1.3 The Council is keen to embrace the legislative changes by producing a new form of Local Plan which will capture the shift to Localism. The Local Plan process still relies and builds on relevant information and comments received from the previous Local Development Framework (LDF) consultations as well as updating the content in line with the new approach to planning.
- 1.4 To help project manage the ongoing production of the Local Plan, the District Council has prepared this revised Local Development Scheme (LDS). It represents a public statement of the programme for the preparation of the Local Plan, identifying key milestones and preparation arrangements.
- 1.5 Appendix 1 includes a glossary of terms and acronyms used in this document.

2.0 NATIONAL CONTEXT

- 2.1 The Localism Act 2011 introduced significant changes in relation to local government and to planning.

“The Government is committed to passing new powers and freedoms to town halls. We think that power should be exercised at the lowest practical level - close to the people who are affected by decisions, rather than distant from them. Local authorities can do their job best when they have genuine freedom to respond to what local people want, not what they are told to do by central government. In challenging financial times, this freedom is more important than ever, enabling local authorities to innovate and deliver better value for taxpayers’ money.” A plain English guide to the Localism Act. Department of Communities and Local Government. Nov 2011

- 2.2 The intention behind the Localism Act was to make the planning system clearer, more democratic, and more effective. The Government set out that local people should have genuine opportunities to influence the future of the

places where they live. The change in legislation enables local communities through a parish council or a neighbourhood forum to bring forward a neighbourhood plan.

2.3 The Localism Act clarifies the position on ‘predetermination’ and makes it clear that it is proper for councillors to play an active part in local discussions. Councillors have a vital role to play in providing leadership on producing a robust local plan to meet the needs of Ashfield into the future. This includes:

- Understanding the issues and balancing this with the views and aspirations of local people and businesses;
- Setting the vision, objectives and priorities of the plan;
- Agreeing programmes & resources;
- Engaging with the local community;
- Working with other authorities and agencies; and
- Scrutinising and monitoring the Plan once it is in place.

2.4 The legal basis for development plan preparation is provided by the Planning and Compulsory Purchase Act 2004, with procedures and arrangements for development plan preparation being set out in the Town and Country Planning (Local Planning)(England) Regulation 2012.

2.5 National planning policy guidance is set out in the National Planning Policy Framework (NPPF). The NPPF explicitly states planning’s principal role as being to help achieve sustainable development.

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking” NPPF para 14

2.6 The NPPF stresses that proposed development must be determined in accordance with the development plan unless material considerations indicate otherwise¹. However, it also places an emphasis on having an up to date local plan² in place as soon as possible.

2.7 Regard must also be taken of the National Planning Practice Guidance which gives greater detail to certain aspects of the NPPF.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

² The Planning and Compulsory Purchase Act 2004 sets out that local development documents taken as a whole must set out the authority’s policies relating to the development and use of land in their area. Policies for the area may be set out in a single or a number of documents which individual are known as development plan documents.

- 2.8 Local Plans are informed by a sustainability appraisal reflecting the provisions of the Planning and Compulsory Purchase Act 2004 and the Environmental Assessment of Plan and Programmes Regulations 2004 (EAPP). The EAPP transposes the SEA Directive³ into UK law which requires a strategic environmental assessment of Plans.

3.0 THE CURRENT DEVELOPMENT PLAN

- 3.1 The Ashfield Local Plan Review (ALPR) was adopted in November 2002, with the plan covering the period to 2011. In 2007, in line with the Planning and Compulsory Purchase Act 2004, the Council applied to the Secretary of State, through the Government Office for the East Midlands, to 'save' the majority of Local Plan policies until relevant Local Development Framework policies were adopted to replace them. A list of all 'saved' Ashfield Local Plan Review, 2002 policies is on the Council's website.
- 3.2 Under the National Planning Policy Framework (NPPF) paragraph 215, due weight can be given to relevant policies in Ashfield Local Plan Review, 2002, according to their degree of consistency with the National Planning Policy Framework. (The closer the policies in the Plan are to the policies in the Framework, the greater the weight that may be given). As such each of the 'saved' policies contained within the Local Plan Review 2002 have been assessed to determine if they are consistent with the National Framework.

Supplementary Planning Guidance

- 3.3 The Council has produced a number of Supplementary Planning Guidance (SPG) notes and a Supplementary Planning Document (SPD) covering specific sites or subject areas. Some of the existing guidance notes have been subject to full public consultation and are linked to the policies and proposals of the ALPR. The following SPGS and SPD are considered to be generally compliant with national guidance. These documents are therefore considered to have full SPG/SPD status and the Council will therefore continue to afford these documents considerable weight in the determination of planning applications:
- Residential Design Guide SPD (adopted November 2014)
 - Residential Car Parking Standards (adopted November 2014)
 - Residential Extensions SPD (adopted November 2014)
 - Affordable Housing SPD (adopted July 2009): supersedes Policy HG4 of ALPR 2002
 - SPG 6 - Advertisements (adopted 14/8/03): relates to Policy ST1 of ALPR 2002

³ EC Strategic Environmental Assessment Directive 2001/42/EC

- SPG8 - Hot Food Takeaways, Restaurants and Public Houses (adopted 14/8/03): relates to Policy SH9 of ALPR 2002
- SPG11 – Telecommunications (adopted 18.09.03)

Other Planning Policy Guidance

3.4 Some of the guidance previously produced by The Council, either due to the manner in which it was consulted on at that time or its relevance to specific ALPR policies, cannot be considered to be formal Supplementary Planning Guidance (SPG). Where these documents are still relevant the Council will continue to rely on them as 'Interim Policy Guidance' and they will be used as material considerations in the determination of planning applications.

Interim Policy Guidance includes:

- Business in Residential Areas (adopted April 1994)
- Childcare Facilities (adopted January 1997)
- Residential Care Facilities (adopted April 1994)
- Security Measures for Shop Fronts (adopted April 1994)

3.5 The documents listed above will be reviewed and 'where necessary' updated as future Supplementary Planning Documents (SPDs) linked to policies in the emerging Local Plan.

4.0 THE LOCAL PLAN 2017 to 2032

4.1 The Council is currently taking forward a Local Plan (a Development Plan Document⁴) for the period from 2017 to 2032. The Local Plan relates to the District of Ashfield and is central to delivering the Council's vision for the future. It sets out how Ashfield will grow and develop over the next 15 years, and provides the policies which will be used to make decisions on planning applications. The Local Plan provides a strategic framework for the area, including the use of land, the allocation of specific sites for development to meet the need for a range of uses including employment, retail, housing, leisure and transport. It provides protection to areas of environmental importance, such as countryside and sites important for nature conservation. The strategic policies within the Local Plan will also set the context for neighbourhood plans being developed by Selston Neighbourhood Group and Teversal, Stanton Hill and Skegby Neighbourhood Forum.

⁴ The Planning and Compulsory Purchase Act 2004 sets out that local development documents taken as a whole must set out the authority's policies relating to the development and use of land in their area. Policies for the area may be set out in a single or a number of documents which individual are known as development plan documents.

- 4.2 The Plan is subject to rigorous procedures including several consultation stages which reflect the Council's Statement of Community Involvement. The Local Plan identifies the overall vision for the District, strategic objectives, sets out Strategic, Area and Development Management policies and site allocations. A Policies Map will also be published including any relevant site specific land issues from the Local Plan that need to be shown geographically on a plan.
- 4.3 The context for the Local Plan has been provided by a variety of sources including the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Local Plan evidence base and other related strategies produced by district councils, county councils and other relevant organisations and through consultation with the local community and local businesses.
- 4.4 Details of the evidence base used to support the Local Plan will be available on the Council's website, as and when it is completed.
- 4.5 A sustainability appraisal (SA) will be brought forward together with the emerging plan. The SA provides an assessment of the economic, social and environmental impacts of a plan and its policies. It is an aid to decision making and gives decision makers, consultees and the wider community the opportunity to consider sustainability issues as the Plan progresses.
- 4.6 The National Planning Policy Framework 2012 identifies that a local planning authority should submit a plan for examination which it considers is "sound" – namely that it is:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
- 4.7 The Local Plan produced by the Council together with the Waste and Minerals Local Plans produced by the County Council will make up the Statutory Development Plans for the purposes of The Planning and Compulsory Purchase Act 2004.

5.0 THE LOCAL PLAN PREPARATION

5.1 The new Local Plan will need to reflect the requirements of the NPPF which includes:

- The requirements for homes and jobs needed in the area;
- The provision for retail, leisure and other commercial development;
- Meeting infrastructure requirements to support new homes and jobs;
- The provision of health, recreation, community and cultural facilities;
- Climate change mitigation and adaptation; and
- The conservation and enhancement of the natural and historic environment, including the important local landscape.

5.2 A proportionate evidence base will be required to support the Local Plan. This provides the robust local evidence required to enable the preparation of and justification for the policies in the Local Plan. The Council will review the evidence base requirement for the Local Plan Review in the context of being able to answer the following questions positively:

- Does the evidence base underpin the generation and testing of options and therefore inform the draft Local Plan content?
- Does the evidence base include the views of the local community as well as research and fact finding?
- Does the evidence base reflect Ashfield and the wider context in which Ashfield is set?
- Does the evidence base include those studies that are required by the NPPF⁵?
- Does infrastructure planning form an integral part of the evidence base?
- Has joint working on the evidence base been considered and taken forward where appropriate?
- Does the evidence required by the Sustainability Appraisal and the SEA Directive form an integral part of the evidence base?

Sustainability Assessment and Strategic Environmental Assessment

5.3 In preparing a local plan, Section 39 of the Planning and Compulsory Purchase Act 2004 requires that the Council “must exercise the function with the objective of contributing to the achievement of sustainable development” having regard under S39, to national policies and advice contained in guidance issued by the Secretary of State. A sustainability appraisal of a new or revised local plan is required by Section 19 (5) of the Act.

⁵ See National Planning Policy Framework “Plan making para 150 to 185

- 5.4 The Environmental Assessment of Plan and Programmes Regulations 2004 (EAPP) transposes the SEA Directive⁶ into UK law which requires a strategic environmental assessment (SEA) of Plans. The Local Plan cannot be adopted, or submitted for adoption, unless it has been subjected to environmental assessment under the Regulations.
- 5.5 The Sustainability Appraisal of the local plan incorporates the requirements of the EAPP on the assessment of the effects of plans on the environment. Consequently, the Sustainability Appraisal ensures that potential environmental effects of the local plan are given full consideration alongside social and economic issues.
- 5.6 There is no legal requirement for the environmental report and the draft plan to be brought forward together. However, it is good practice and therefore, it is anticipated that a sustainability appraisal of the environmental, economic and social effects of the plan will be carried out alongside the Local Plan as it is developed.

Habitat Regulations Assessment

- 5.7 A European Commission Directive (92/43/EEC) requires local planning authorities to undertake specific and detailed assessments if any proposals in their emerging plans are likely to have significant effects on sites designated as European (International) importance for their wildlife and ecological value.
- 5.8 A Habitats Regulation Assessment (HRA) has been carried out as part of the current Local Plan process to provide an assessment of the potential effects of the plan on European Union designated sites and identify whether proposals in the Local Plan have a negative impact on the integrity of any existing or potential sites (Special Protection Areas and Special Areas of Conservation). There are two EU designated sites within 15km of the District. In addition, it is identified that Sherwood Forest is a possible potential Special Protection Area (ppSPA). Consequently, a Habitats Regulation Assessment will be required for the Local Plan Review.

Equality Impact Assessment

- 5.9 Councils are required by legislation to prepare an Equality Impact Assessment to make sure policies in the local plan do not discriminate against certain groups and that opportunities are taken to promote equality.

⁶ EC Strategic Environmental Assessment Directive 2001/42/EC

Health Impact Assessment

- 5.14 The procedures of HIA are similar to those used in other forms of impact assessment, such as environmental impact assessment or social impact assessment. HIA is usually described as following the steps listed, though many practitioners break these into sub-steps or label them differently:
1. *Screening* - determining if an HIA is warranted/required
 2. *Scoping* - determining which impacts will be considered and the plan for the HIA
 3. *Identification and assessment of impacts* - determining the magnitude, nature, extent and likelihood of potential health impacts, using a variety of different methods and types of information
 4. *Decision-making and recommendations* - making explicit the trade-offs to be made in decision-making and formulating evidence-informed recommendations
 5. *Evaluation, monitoring and follow-up* - process and impact evaluation of the HIA and the monitoring and management of health impacts
- 5.15 The main objective of HIA is to apply existing knowledge and evidence about health impacts, to specific social and community contexts, to develop evidence-based recommendations that inform decision-making in order to protect and improve community health and wellbeing. Because of financial and time constraints, HIAs do not generally involve new research or the generation of original scientific knowledge. However, the findings of HIAs, especially where these have been monitored and evaluated over time, can be used to inform other HIAs in contexts that are similar. An HIA's recommendations may focus on both design and operational aspects of a proposal.

Rural Proofing

- 5.16 Rural proofing is integral to the policy making cycle. It requires policy makers to ensure that the needs and interests of rural people, communities and businesses in England are properly considered in the development and implementation of all policies and programmes.
- 5.17 Defra's Rural Communities Policy Unit guidance document, National Rural Proofing Guidelines provides support, advice and successful case studies to help officials across government rural proof their policies and programmes.

Duty to co-operate

- 5.18 The Localism Act 2011 introduced a new Duty to Co-operate which places a requirement for all local planning authorities, national park authorities, county councils and a number of other public organisations to engage with one

another and consider joint approaches as part of the preparation of their local plans.

5.19 The additional prescribed bodies with which local planning authorities outside London are required to cooperate are set out in Regulation 4 of Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. They comprise:

- Local Planning Authorities, either neighbouring or making up the Housing Market Area
- Environment Agency
- Historic England
- Natural England
- Civil Aviation Authority
- Homes and Communities Agency
- Clinical Commissioning Groups
- Office of the Rail Regulator
- Highways England
- Highway Authorities
- Local Enterprise Partnerships
- Local Nature Partnerships

5.20 The Duty to Co-operate forms part of the 'Tests of Soundness' against which an independent inspector will assess the documents during a Public Examination. It is considered essential that the Council can demonstrate effective collaborative working with neighbouring authorities, key stakeholders and other organisations during the preparation of both its Local Plan and the evidence base that supports it.

5.21 There is a long history of joint working and cooperation between Ashfield District Council and neighbouring authorities in Nottinghamshire and Derbyshire, as well as other stakeholders some of which are included in the list of prescribed bodies. Wherever possible and practical the Council will work with neighbouring authorities in bringing forward the Local Plan and its evidence base. In the past this approach can be seen to have broken down into two principle areas:

- The Greater Nottingham authorities in relation to the Hucknall area of the District
- Mansfield DC, Newark and Sherwood DC as part of the Outer Nottingham Housing market Area

5.22 Ashfield is located in a region covered by a two tier system of local government. Consequently, the Council will work closely with Nottinghamshire County Council.

- 5.23 Ashfield is bound by a further two Local Authorities; Bolsover DC and Amber Valley DC. Discussions with these councils will also be undertaken on a regular basis to ensure a similar approach to planning across County boundaries.

Working in Partnership with Infrastructure and Service Providers

- 5.22 Government guidance has significantly increased the role of spatial planning in infrastructure and service provision, seeking proactive co-ordination of the delivery of the infrastructure required to support Local Plans. A greater emphasis is also placed on the “delivery” of Local Plans, particularly to ensure that the vital infrastructure necessary to support planned housing and development is in place when required.
- 5.23 Infrastructure planning and delivery studies are now needed to plan for and co-ordinate the delivery of essential infrastructure to support future development, in particular to support the housing requirement over the Local Plan period. Infrastructure is considered in a much broader sense than in the past, when it was limited to utilities and social infrastructure. It now includes many land use categories, such as green open space, places of worship, telecommunications equipment etc.
- 5.24 Ashfield will continue to work proactively with infrastructure and service providers (Education, Highways, etc.) to determine the needs arising from the anticipated growth of the District, and to coordinate the requirements with other neighbouring authorities. A significant amount of expenditure for the delivery of services, including healthcare, education, police and waste management, is determined on the basis of funding formulae, underpinned by population forecasts. The Infrastructure Delivery Plan will bring together this information. In doing so, infrastructure planning may reveal gaps in public funding for infrastructure provision, which will be assisted by developer contributions.
- 5.25 The Local Plan Review will need to be demonstrably “deliverable” to succeed at examination and be found “sound”. This includes providing details of how the infrastructure required to support the Core Strategy will be provided.

Community Infrastructure Levy

- 5.26 The Community Infrastructure Levy is a levy that local authorities in England and Wales can choose to charge on new developments in their area. The money can be used to fund a wide range of infrastructure that is needed as a result of development. This includes new or safer road schemes, flood defences, schools, hospitals and other health and social care facilities, park improvements, green spaces and leisure centres. If introduced CIL would

replace a large proportion of contributions currently secured through Section 106 agreements (s106). However, it does not replace s106 entirely.

- 5.27 The potential to introduce a CIL comes back to the viability of development across their area and whether the introduction of a CIL Charging Schedule (a cost to development), would impact on the viability of development. At this time the Council has chosen to not pursue the adoption of a CIL for Ashfield. However it will continue to keep this decision under review.

6.0 NEIGHBOURHOOD PLANS

- 6.1 The change in legislation through the Localism Act 2011 and associated regulations enables local communities through a parish council or a neighbourhood forum to bring forward a neighbourhood plan. However, this is within the context of national planning guidance and the District Council's local plan strategic policies.
- 6.2 Within its available resources the Council is committed toward helping to bring neighbourhood plans forward. The District currently has 2 designated Neighbourhood Areas (Teversal, Stanton Hill & Skegby Neighbourhood Area; and Selston Neighbourhood Area) with a Neighbourhood Forum and a Parish Council developing Plans for their designated areas. The Council will continue to assist and support the development of these Plans; and provide information and guidance to other communities to wish to establish and designated Neighbourhood Areas and Forums within their communities.

7.0 MANAGEMENT OF THE LOCAL PLAN PROCESS

- 7.1 The development and preparation of the Local Plan will be project managed as follows:
- Day to day management of Local Plan work will be by the Corporate Planning and Building Control Manager and the Forward Planning Team Manager supported by a small team of professional Planning Officers and a Graduate Planner;
 - A Local Plan Steering Group has been established as a means for Council Members to consider the development of the Local Plan. The Steering Group is an advisory body and has no decision making powers
 - Decision of the Local Plan will be considered by the Council's Cabinet and as appropriate, full Council meetings.

- 7.2 In creating the timeframe for the production of the Local Plan, account has had to be taken of the Council's cycle of Cabinet and Council meetings. This will at times result in time lags between stages in the process.

Statement of Community Involvement (SCI)

- 7.3 The SCI is a public document which sets out the Council's policy and approach to public consultation and involvement in the preparation of the Local Plan and the planning applications it determines. It is no longer necessary to submit an SCI to the Secretary of State or include it in the LDS. The first Ashfield District Council SCI was adopted in November 2006, and updated in October 2010 in line with the Government's regulations (2008). The current SCI was adopted in January 2016 to include an updated list of stakeholders, how the Council intends to take forward the Duty to Cooperate and neighbourhood planning during the production of the Local Plan and when considering planning applications.

8.0 RISKS AND CONTINGENCIES

- 8.1 In preparing the Local Plan timetable, the main areas of risk are identified as follows:

- **Staff Turnover**

Current staffing levels are stable and should be maintained. Joint working with other Local Planning Authorities and the County Council also provides the capacity to spread the workload if necessary as well as maintaining good working relationships.

- **Political Pitfalls**

A Local Plan Steering Group of Council Members has been set up. This reflects the political composition of the Council. It acts as a sounding board to iron out problems at the earliest stage and reduce the risk of political disagreement, which could delay the programme.

- **Capacity of the Planning Inspectorate (PINS) and other agencies to cope with demand nationwide**

This is beyond the Council's control, but PINS and other agencies will continue to be given early warning of the Council's programme and will be kept informed of revisions to it.

- **Soundness of the Local Plan**

The Council will seek to ensure that the Local Plan is sound by working closely with the Department of Communities and Local Government, the Planning Inspectorate and stakeholders at all milestone stages and prior to the submission of the Plan.

- **Legal Challenge**

The Council will seek to minimise this risk by ensuring that the Local Plan is sound, founded on a robust evidence base and a good standard of stakeholder and community engagement.

- **Programme Slippage**

The Council will seek to minimise the potential of slippage by arranging special meetings of the Local Plan Steering Group, Cabinet and full Council as necessary. In preparing the programme the Council has been realistic in what can be achieved bearing in mind the resources available.

9.0 MONITORING AND REVIEW

9.1 Monitoring has two main purposes. Firstly, to assess whether the key milestones for delivering the Ashfield Local Plan are being met and secondly to assess how effective policies are in implementing the vision and strategy.

9.2 It will be important to monitor how effective the policies and proposals in the Ashfield Local Plan are in delivering the vision and objectives set out in the Plan, and how they contribute to national strategies and targets and environmental protection. It will also be important to monitor changes in circumstances that have a bearing on the future scale and pattern of development. These will include:

- changing national policies and priorities;
- changes in supply and demand;
- availability of new information; and
- changes in operational techniques.

9.3 This will be done through the production on an Annual Monitoring Report (AMR), which will be prepared annually. The AMR will cover the period from 1st April to 31st March each year.

9.4 If the information base demonstrates that the strategy is not being implemented, the AMR will indicate what policy changes are required, and the changes necessary to the Local Development Scheme to deliver them.

9.5 The AMR will also indicate how well the Council is doing in meeting its timescales for the production of the Local Plan, as set out in this document. If it appears that a key milestone(s) is not going to be achieved, the Local Development Scheme will be reviewed accordingly.

10.0 AVAILABILITY OF DOCUMENTS

- 10.1 All documents prepared as part of the Local Plan will be made available in paper and electronic formats and published on the Council's web site www.ashfield-dc.gov.uk/localplan

11.0 CONTACTS

- 11.1 If you wish to know more about the Local Development Scheme or any aspect of the Local Plan you can contact us in a number of ways:

- Write to use at: Forward Planning Team, Ashfield District Council, Urban Road, Kirkby-in-Ashfield, Nottingham, NG17 8DA
- Visit the website: www.ashfield-dc.gov.uk
- Email us at: localplan@ashfield-dc.gov.uk
- Telephone us at: 01623 457381 or 457382 or 457383

APPENDICIES

Appendix 1: List of Abbreviations and Glossary

Appendix 2: Ashfield District Context Plan

Appendix 3: Schedule of Saved ALPR 2002 Policies

Appendix 4: Schedule for Development Plan Document Production

Appendix 5: Timetable for Development Plan Document Production

Appendix 6: Background Information / Evidence base

Appendix 1

Glossary of Terms & Abbreviations

Adopted Policies Map: A map of the local planning authority's area based on an Ordnance Survey map including an explanation of any symbol or notation and illustrating geographically the application of the policies in the adopted local plan.

Adoption: The approval, after independent examination of the final version of a Local Plan by a local authority for future planning policy and decision making.

Ashfield Local Plan Review (ALPR): The current Local Plan adopted in November 2002 with a timescale to 2011.

Annual Monitoring Report (AMR): A report which is produced annually to establish what is happening now and what may happen in the future and compare trends against LDF policies to determine if changes need to be made.

Community Strategy (CS): Council document which aims to enhance the quality of life of local communities and contribute to the achievement of sustainable development.

Duty to Cooperate: This duty requires local authorities and other public bodies to work together on planning issues in the preparation of the Local Plan.

Evidence Base: The Local Plan should be based on adequate, up-to-date and relevant evidence about the economics, social and environmental characteristics and prospects of the area.

Inspector: Independent Inspector appointed by the Secretary of State to carry out the public examination of the Local Plan.

Local Development Framework (LDF): 'Portfolio' of local development documents which collectively deliver the spatial planning strategy for the local planning authority's area.

Local Development Scheme (LDS): Statement detailing the timescales and arrangements for the preparation of local development documents.

Localism Act 2011: The Localism Act introduced changes to the planning system including making provision for the revocation of Regional Spatial Strategies, and introducing the Duty to Cooperate and Neighbourhood Planning.

Local Plan: Comprises a Written Statement and a Policies Map. The Written Statement includes the Authority's detailed policies and proposals for the development and use of land together with reasoned justification for these proposals.

Material Consideration: Must be genuine planning considerations i.e. they must be related to the development and use of land in the public interest.

National Planning Policy Framework (NPPF): Sets out the Government's planning policies for England and how these are expected to be applied. Providing a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, reflecting the needs and priorities of their communities.

National Planning Practice Guidance (NPPG): on 6 March 2014 the Department for Communities and Local Government (DCLG) launched its web based planning practice guidance. This is important information for any users of the planning system. This guidance will be updated as required.

Neighbourhood Plan: Gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.

Planning & Compulsory Purchase Act 2004: This Act updated the 1990 Town & Country Planning Act. The Planning and Compulsory Purchase Act 2004 introduced a new statutory system of regional and local planning and has since been amended by the Localism Act 2011.

Planning Inspectorate: The Government body responsible for providing independent inspectors for planning inquiries and for examinations of development plan.

Planning Policy Statement (PPS): Replacement for PPG with the aim of being more accessible and simpler to use by having greater clarity.

Public Examination: Local Plan will be examined by an independent Inspector whose role it is to assess whether the plan has been prepared in accordance with the Duty To Co-operate, legal and procedural requirements and whether it is sound.

Regulations: This means "The Town and Country Planning (Local Planning) (England) Regulations 2012" unless indicated otherwise. Planning authorities must follow these when preparing Local Plans.

Saved Policies: Policies in the current Local Plan which have been safeguarded and then reused in other documents.

Secretary of State: Sets policy on supporting Local Government, communities and neighbourhoods, regeneration, housing, planning, building and the environment.

Sustainability Appraisal (SA): Appraise the social, environmental and economic

effects of the strategies and policies in local development documents from the outset of the preparation process.

Statement of Community Involvement (SCI): Local authority's policy for involving the community in the preparation of local development documents and for consulting on planning applications.

Soundness: Under the National Planning Policy Framework 2012 paragraph 182 a local planning authority should submit a plan for examination which it considers is "sound" – namely that it is:

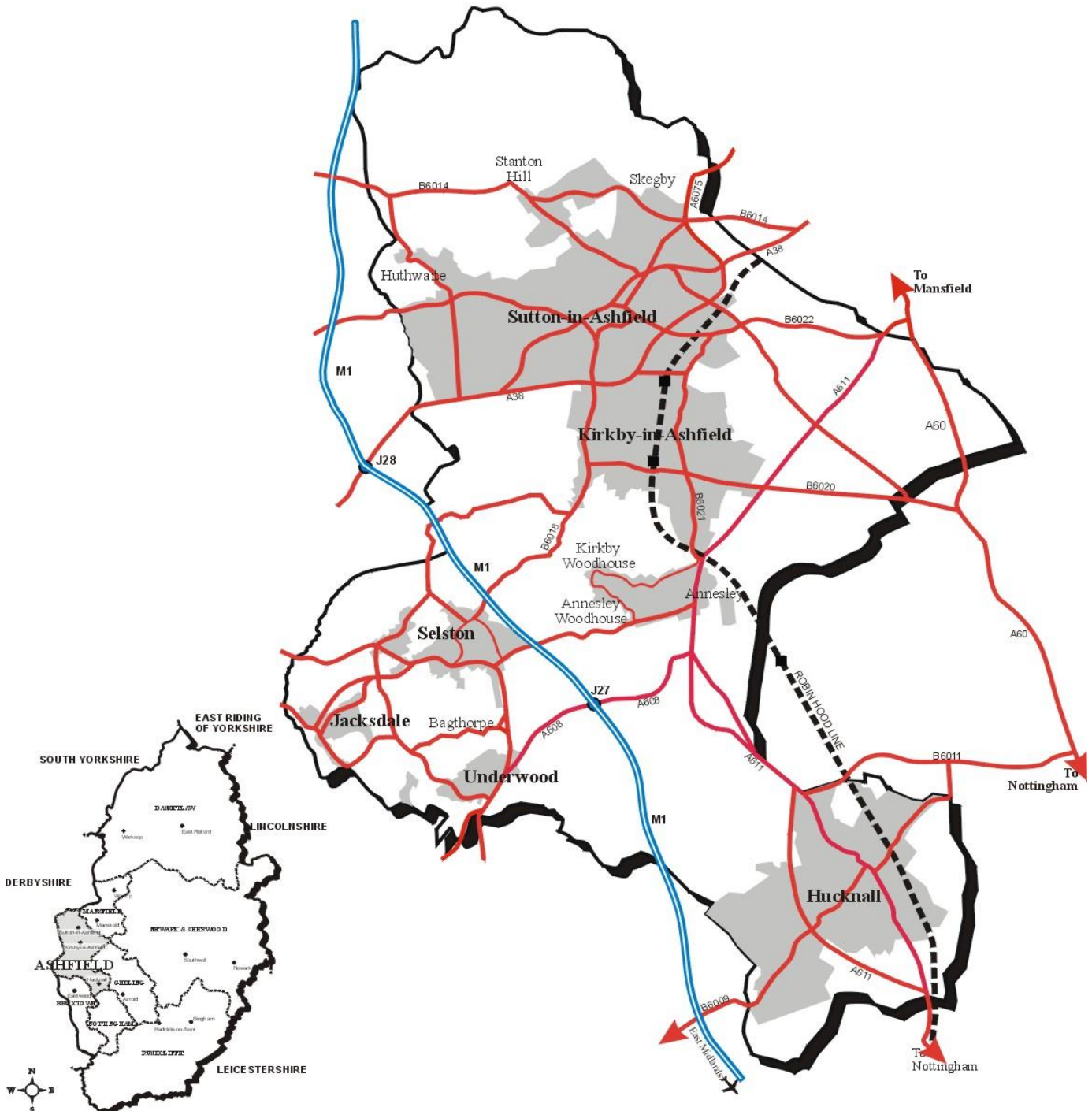
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Supplementary Planning Document (SPD): Provides supplementary information in respect of the policies in Development Plan Documents. They do not form part of the Development Plan and are not subject to independent examination.

Supplementary Planning Guidance (SPG): Non-statutory local authority approved guidance which is a material consideration in terms of determining planning applications. Will be replaced by SPD.

Appendix 2

**Ashfield District Context Plan
(DPD/SPD apply to whole District)**



Development Plan Schedule

Appendix 3

DOCUMENT TITLE	LOCAL PLAN 2017-2032
Role and content	This document will set out the main elements of the development strategy for the Council and will give a spatial perspective to the Ashfield and Nottinghamshire Sustainable Strategies. It will comprise an overarching land use strategy and vision for the District, supported by key objectives and policies. Strategic issues will be included in this document such as protection of the Green Belt and countryside, the overall land requirements and locations/priority areas for residential and employment development and general sustainable development principles. It will also identify specific sites allocated for development (e.g. housing and employment) or subject to protection (e.g. nature conservation and recreational sites). It will give details of the sites and the relevant policy for their development/protection and will contain the non-site-specific development management policies on which the Council will rely when considering planning applications. The Policies Map will express geographically the adopted Local Plan policies which can be represented on a plan.
Status	Development Plan Document
Chain of conformity	Consistent with: <ul style="list-style-type: none"> • Planning and Compulsory Purchase Act 2004 and the Town and Country (Local Planning) (England) Regulations 2012. • National planning guidance set out in the National Planning Policy Framework (NPPF), National Planning Practice Guidance (PPG) and Planning Policy for Travellers Sites. • The Council's Statement of Community Involvement. • The Environmental Assessment of Plan and Programmes Regulations 2004 which transposes the SEA Directive into UK law.
Geographic area	District wide coverage.
TIMETABLE	
January / February 2016	Preferred Approach Public Consultation
November / December 2016	Public Consultation of Publication Local Plan
February 2017	Submission to Secretary of State
October / November 2017	Examination in Public
Feb / March 2018	Receipt of Inspectors Report
May 2018	Formal Adoption

ARRANGEMENTS FOR PRODUCTION	
Lead organisation	Ashfield District Council – Forward Planning Team.
Management arrangements	Consideration at Local Plan Member Steering Group. Subject to Cabinet and Full Council approval (where appropriate).
Resources required	Internal Council staff and revenue funds.
Approach to involving stakeholders/ community	In accordance with the Town and Country Planning (Local Development) (England) Regulations 2012, and the Council's Statement of Community Involvement.
POST PRODUCTION	
Monitoring and review	Annual Monitoring Report prepared annually.

Development Plan Documents Timetables

Appendix 4

Local Plan 2017-2032 Timetable

Regulation	Stage	Dates
18	Preferred Approach Consultation	January / February 2016
-	Local Plan Preferred Approach – Prepare Statement of Consultation	March / May 2016
-	Produce Publication Document	April / August 2016
19 and 20	Consult on Local Plan Publication	November / December 2016
-	Analyse Local Plan Publication responses	December 2016 / February 2017
-	Prepare Local Plan Submission Documents	January / February 2017
22	Submission of Local Plan to Secretary of State	February 2017
24	Examination of Local Plan	October / November 2017
-	Inspector's Report received	February / March 2018
25	Council decision to adopt Local Plan	April 2018
26	Formal Adoption	May 2018

If you require translation or interpretation into sign language, Braille, languages other than English or other accessible formats such as large print, please contact the Forward Planning Team at Ashfield District Council on 01623 457246.

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Agenda Item 6



Report To:	Cabinet	Date:	21 st September 2017
Heading:	GRANT FUNDING – UPDATE OF PROJECT BUDGETS		
Portfolio Holder:	CLLR TIM BROWN - ENVIRONMENT		
Ward/s:	ABBHEY HILL, ASHFIELDS, CARASIC		
Key Decision:	Yes		
Subject To Call-In:	Yes		

Purpose Of Report

To seek approval for changes to project budgets identified in the Locality Plans, three budget lines need to be increased to allow for grant funding which has been successfully secured from the County Council's Supporting Local Communities (SLC) fund.

Recommendation(s)

- 1) Approve changes to project budgets
- 2) Update the capital programme with the increased scheme costs financed from SLC.

Reasons For Recommendation(s)

To enable Capital budgets to be revised in line with the funding available and so that the three projects identified in the body of the report can be progressed.

Alternative Options Considered (With Reasons Why Not Adopted)

Not to revise the budgets – projects could not be progressed.

Detailed Information

The projects are identified in the Locality Plans (approved at Cabinet in June 2017) and in the Capital Programme, The next Capital Programme update is not due until November 2017 and budget increases are required in advance so that projects can be progressed.

The following changes are required:

Code	Project	Existing budget (Section 106)	Grant funding (SLC)	Revised budget
C00223	Ashfield Estate Play Area	10	30	40
C00218	Oval Play area	14	42	56
C00206	Warwick Close	10	15	25

Implications

Corporate Plan:

The implementation of the projects will assist in delivering the environmental, economic and community objectives of the Corporate Plan.

Legal:

There are no direct implications within the report.

In accordance with Financial Regulation B.9 the Cabinet may approve the budget changes as the increases are fully funded from external grant.

Finance:

This report is effective from 21.9.17 and has the following financial implications:

Budget Area	Implication
General Fund – Revenue Budget	No implications
General Fund – Capital Programme	As identified within the body of the report.
Housing Revenue Account – Revenue Budget	No implications
Housing Revenue Account – Capital Programme	No implications

Human Resources / Equality and Diversity:

There are no direct implications within the report.

Other Implications:

None identified.

Reason(s) for Urgency (if applicable):

Not applicable.

Exempt Report:

Not applicable.

Background Papers

Cabinet June – Locality Plans

Cabinet February – Capital Programme

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INTERIM DIRECTOR - PLACE AND COMMUNITIES

Rob Mitchell

CHIEF EXECUTIVE

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Agenda Item 7



Report To:	CABINET	Date:	21/09/2017
Heading:	BUSINESS RATES – LOCAL DISCRETIONARY RELIEF SCHEME		
Portfolio Holder:	CLLR JACKIE JAMES – CORPORATE RESOURCES AND FINANCE		
Ward/s:	N/A		
Key Decision:	YES		
Subject To Call-In:	Yes		

Purpose of Report

In the Government's Budget on the 8th March 2017, the Chancellor announced £300m of extra funding for local authorities to provide discretionary relief (discount) to those businesses facing increases in their business rate bills following the revaluation. The Government have described this initiative as "revaluation support".

Local Authorities are required to design and implement a Local Discretionary Relief Scheme. The objective being to help support businesses who have suffered a significant increase in their 2017-18 Business Rates bill as a result of the Governments revaluation of Businesses nationally.

Recommendation(s)

To agree to adopt the Discretionary Relief Scheme as set out in the report.

Reasons For Recommendation(s)

Government requirement to design and implement a Local Discretionary Business Rates scheme.

Alternative Options Considered (With Reasons Why Not Adopted)

None considered

Detailed Information

The proposed scheme for Year 1 - 2017-18

Ashfield's allocation of the Government's funding for discretionary relief is £332,000 spread over 4 years as shown in the table below.

Year	£ 000's
Year 1	193
Year 2	94
Year 3	39
Year 4	6

- Businesses who have had an increase in their Business Rates bill (as a result of the revaluation) in 2017/18 compared to 2016/17 may be eligible for a reduction.
- The Scheme is targeted at Local Small and Medium sized Businesses with a maximum rateable Value of £100,000
- Rules regarding State Aid will apply to all Businesses who receive funding under this scheme.
- The discount will only be paid to businesses who have received an increase of 2% or more.
- The % increase will be measured after adjustments for all other relief schemes and discounts have been applied. This includes small business rates relief, transitional relief, charitable relief and other discretionary relief schemes.
- Once all qualifying Businesses have been identified the discount will automatically be applied to each account and then a new Business Rates bill for 2017-18 will be issued which will show the balance to be paid. A covering letter will be included with the new bill to explain the discount. (automated process now available following software upgrade which was released on 21st August 2017)

% Increase in Business Rates Bill for 2017-18	% Discount to be applied (% of the increase in rates payable)	<u>Estimated</u> number of eligible businesses
Over 2% Increase	75% discount	560

- A "Cap" will be operate to limit the maximum amount of Discretionary Discount that is awarded to a single business. This will help to ensure a wider distribution of the funds available.

The level of cap to be applied for 2017/18 has been identified:-

Level of Cap to be applied	Estimated level of Expenditure
£1,000	£180,000 to £192,000
£1,500	£196,000 to £212,000
£2,000	£205,000 to £225,000
£2,500	£212,000 to £235,000

The actual expenditure could be above or below these figures depending on other factors during the year. The capping level marked above has been chosen to ensure that we allocate all of the available funds for Year 1.

- The scheme allows for in year adjustments as a result of any change of circumstances. Therefore the discount can be adjusted.
- Relief will be withdrawn (full or part) from any businesses who are successful in achieving an RV reduction by way of a formal appeal.
- The Relief will not apply where the RV of a Business has increased due to a reassessment of the hereditament because of an increase in property size (expansion).
- The following categories will be excluded from the scheme:-
 - Colleges / schools
 - Health centres / hospitals / surgeries
 - Local Authorities
 - National companies

Based upon the parameters set out above the estimated cost of the scheme in Year 1 is likely to be:-

Estimated cost of scheme = £196,000 to £212,000

(Total Government Allocation for Year 1 = £193,000)

This is based on current analysis of the Business Rates System, however it is anticipated that some of the Businesses identified as likely to be eligible may not actually be eligible once a detailed assessment of each case has been made. Along with in-year adjustments, it is likely that the total expenditure could be lower than the figures shown above.

In cases where the Business Rates account goes into credit as a result of the discount being applied (due to payments already received) then a refund will be made to the Business, following normal procedures.

Any non-payment of Business Rates will be subject to the normal recovery Processes.

Appeals

In the interests of good practice it is proposed that where a Business Rates payer is unhappy with the decision by the Business Rates office, then the following procedure will apply:-

1. Initial appeal to be addressed to the Corporate Manager, Revenues and Customer Services who will consider the matter and provide a written response either upholding or refusing the appeal.

2. If Business Rates payer remains unhappy with the outcome of the Appeal then this will be referred to the Director for Resources & Transformation for final adjudication. This decision is final.

Implications

Corporate Plan: N/A

Legal:

Adoption of a policy ensures that the Scheme is implemented in an open and transparent manner, which also provides an appeal mechanism for those unhappy with the decision.

Finance:

This report is effective from 01/04/2017 and has the following financial implications:

Budget Area	Implication
General Fund – Revenue Budget	Scheme expenditure is to to be met by s31 Government funding. If the total amount claimed exceeds the s31 Grant, this will be required to be met by the Council.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Human Resources / Equality and Diversity: No impact

Other Implications: None

Reason(s) for Urgency (if applicable):

Exempt Report:

N/A

Background Papers

None

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**Craig Bonar
Director for Resources & Transformation**

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