

Sunderland Local Plan

Local Development Scheme

May 2016

This Local Development Scheme was agreed by Cabinet on 16 May 2016
It came into force on 24 May 2016

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1.0 INTRODUCTION

1.1. Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. For this reason, local planning authorities should have an up to date Local Plan in place.

1.2 The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008 and Localism Act 2011) requires Councils to prepare and maintain a Local Development Scheme (LDS). Its main purpose is to inform the community and other partners of the Local Plan documents that are being prepared for the area and the envisaged timescales for their preparation, and to establish the Council's priorities for the preparation of the Local Plan documents and their associated work programmes, including in relation to budgeting and resources.

1.3. This LDS sets out the Council's commitment to the production of various planning documents that will make up the City of Sunderland Local Plan. These documents taken together will set a clear vision for the area, together with a strategy for delivering it, over the period to 2035 and will gradually replace the 'saved' policies of the Unitary Development Plan (1998) and the subsequent UDP Alteration for Central Sunderland (2007).

1.4 This Local Development Scheme replaces the Council's last LDS which was adopted in 2009. It was approved by the Cabinet of the City of Sunderland and came into operation on 19 May 2016

2.0 POLICY CONTEXT

2.1 Since the Council's last LDS (2009) there have been significant changes to legislation and planning policy. These will impact on the content of the City's Local Plan and the processes by which it is prepared. This section provides an overview of these changes.

National context

Localism Act 2011. The Act introduced a number of changes to the planning system, which are relevant to the preparation of planning policy documents:

- **Abolition of Regional Strategies:** the Act abolished the regional planning tier and also made provision to revoke the whole or any part of a Regional Strategy. The Regional Strategy for the North East was subsequently revoked in 2013.
- **Duty to Co-operate:** the Act amends the Planning and Compulsory Purchase Act 2004. As a result, a legal duty has been placed on local planning authorities, county councils and public bodies to engage constructively, actively and on an on-going basis in dealing with strategic cross boundary matters in the preparation of Local Plans. If an Inspector decides that this legal test has not been complied with on examination of a Plan, he/she will recommend that the Local Plan is not adopted. In addition to this, is the test of soundness which is set out in full in the NPPF (para.182).
- **Neighbourhood Planning:** the Act introduces a new tier of planning called neighbourhood planning which gives communities more of a say in the development of their local area. Communities have the power to make a Neighbourhood Development Plan, Neighbourhood Development Order and/or a Community Right to Build Order. The Local Planning Authority has a duty to support the process (see Regulations below).

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

Neighbourhood Planning Regulations: The Neighbourhood Planning (General) Regulations 2012 came into force on 6 April 2012. The Regulations include the process and procedures for setting up Neighbourhood Areas, preparing Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders.

National Planning Policy Framework (NPPF): The NPPF was published in March 2012 and sets out the presumption in favour of sustainable development. Core planning principles include the need to be plan-led and to pro-actively drive and support sustainable economic development. Various strategic priorities must be addressed in the Local Plan, including policies to deliver the homes and jobs needed together with any necessary retail, leisure and other commercial development.

It is stressed that plans must be based on adequate, up to date and relevant evidence. In relation to housing, a Local Planning Authority should ensure that its evidence base looks at full objectively assessed needs for market and affordable housing in the housing market area.

Any plan must be prepared in accordance with the Duty to Co-operate, legal and procedural requirements, and be sound. The NPPF sets out the tests of soundness.

An Annex relating to implementation specifies that the weight to be attached to policies in existing plans depends on their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater is the weight that can be given to them).

National Planning Practice Guidance (NPPG) The National Planning Practice Guidance (NPPG) was launched in March 2014 and is updated as necessary by the Government. The NPPG contains guidance on a wide range of planning matters, for example, on housing and economic development needs assessments and on housing and economic land availability assessment. The 'need' part of the guidance contains a detailed methodology as to how the objectively assessed need should be calculated.

Planning Policy for Traveller Sites (PPTS) The PPTS was published in March 2012 and should be read in conjunction with the NPPF. This sets out national policy for Traveller sites and requires Local Planning Authorities to work collaboratively to prepare a robust evidence base to establish accommodation needs and then set local targets for pitches and plots in a Local Plan. Appropriate sites should be allocated, to meet needs and enable the identification of a rolling five year supply of deliverable sites.

National Waste Planning Policy The Waste Management Plan for England was published in December 2013 and sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. National Planning Policy for Waste was published in October 2014 and sets out detailed planning policies for waste within the framework provided by the national plan.

3.0 THE LOCAL PLAN FOR SUNDERLAND

Current Adopted Development Plan

3.1 The current statutory development plan for the City is the Unitary Development Plan (UDP). Adopted in 1998, the plan provides both City-wide and site-specific policies. To reflect emerging regeneration initiatives and proposals along the Central Sunderland riverside, an updated policy framework was prepared for this area (UDP Alteration No.2). This was adopted in 2007.

3.2 The policies of the UDP and Alteration No.2 were “saved” in 2009 so as to provide on-going development policy coverage pending the introduction of the new Local Development Framework for the City (since superseded by the Local Plan).

3.3 With the introduction of the Planning and Compulsory Purchase Act in 2004, the Council began work on the Local Development Framework. The LDF took the form of:

1. a Core Strategy setting out strategic City-wide policies and
2. a separate Allocations Plan that would detail site specific land-uses for sites.

Update on Progress

3.4 Work on the Core Strategy has been on-going for some time. Following early consideration of Issues and Options (2005) and Alternative Approaches to development (2009), a Revised Preferred Options document was produced in August 2013 and subject to public consultation over late Summer 2013.

3.5 The intention was to prepare the subsequent Publication Plan for consultation in Spring 2014 and thereafter, following Submission and Examination, progressing the plan to Adoption in early 2015. However, despite work commencing on the Publication Plan, a number of factors arose in early 2014 which impacted on the ability to progress the Plan as programmed. These comprised:-

- **Emerging Major Regeneration Proposals:** There was a need for the Core Strategy to properly reflect the proposals for the International Advanced Manufacturing Park (IAMP) on land to the north of Nissan that had recently been endorsed through the City Deal process (June 2014). Whilst the Core Strategy proposed a 20ha strategic employment site in this location, the proposed scale of IAMP (150ha) far exceeded this and this raised technical questions as to how the Core Strategy could best reflect the proposal. Following discussion with the Planning Inspectorate, it was decided to take IAMP forward through a separate Area Action Plan (AAP) prepared jointly with South Tyneside. However, this still required consideration of the implications and impacts of IAMP on the Core Strategy so that the two plans could be properly co-ordinated.

- **Alternative Growth Scenarios:** Although a consultation had taken place in 2009 on the possible alternative approaches to the physical development of the City that could feature in the Core Strategy, this had been based on development levels set out in the Regional Spatial Strategy (RSS). Whilst this was an appropriate approach at that time, following the revocation of the RSS there was a need to consider alternative, locally-based, housing and economic development requirements. Discussions with the Planning Inspectorate (PINS) in early 2015 highlighted that if the development levels in the 2013 Preferred Options Plan were carried straight through to the Publication Plan there would be a significant risk of the Plan failing at Examination because the consideration of alternative growth levels had not been undertaken and subject to public consultation. There was therefore a need to explore and consult upon Growth Options before the Core Strategy could proceed to the next formal stage of plan-making. These are further explained below.
- **Housing and Employment Needs:** A key factor in identifying growth levels for the Core Strategy was the need to set out a robust approach to development requirements over the plan period. Although the 2013 Core Strategy featured policies which proposed levels for house building (15,000 houses) and employment land (81ha of new land) in the City, it was becoming clear that the approach taken to identifying these development levels did not fully accord with the requirement in the National Planning Policy Framework for plans to establish and meet the “Objectively Assessed Need” (OAN) for development in an area.

It was also becoming clear that flaws in the policy approach to robustly demonstrate the OAN was becoming a major factor in the failure of many local plans at Examination, and this highlighted the need for plan strategies to be based on a detailed understanding of the inter-relationship between housing numbers, employment growth and population change. The OAN for the City needed to be established before the Core Strategy could be progressed to the next stage. In this respect, a major factor in identifying the OAN would be the need to take into account the impact of IAMP on housing and employment requirements in the local area. A series of technical papers on the impact of IAMP were produced in late 2015 and have been used to inform the OAN work.

- **Growth Options:** as outlined above there was a clear need to consider, identify and consult upon different growth scenarios that could form the basis of the policy framework in the Publication version of the Core Strategy.

Due to the complex and specialist nature of the work, it was necessary to employ planning consultants to assist in establishing the OAN and develop this into a series of growth options for the City. This work has entailed:-

- Updating the Strategic Housing Market Assessment (SHMA) in order to establish housing requirements;
- Undertaking a full Employment Land Review
- Identifying and testing realistic alternative scenarios
- Recommending appropriate Growth Options

Whilst this process would determine the need for new development in the city, it was equally important that work be undertaken on the land supply to establish whether the supply of sites would be sufficient to support the levels of new housing and employment emerging from the growth scenarios. Officers in the Policy Team have undertaken a Strategic Land Review (SLR) which provides a comprehensive assessment of potential land supply in the City. This includes a review of Settlement Breaks and Green Belt land, in order to identify how each of the Growth Options can be delivered (in this respect, the Medium and High Growth Options are likely to require land in Settlement Breaks and, potentially, Green Belt to be brought forward).

A Sustainability Appraisal and scoping assessment under the Habitats Regulations Assessment have been undertaken on the Growth Options. These broad, high-level studies will be further refined as the plan moves to the Publication stage.

The Growth Options were considered and agreed by Cabinet at its March 2016 meeting. Public consultation – in accordance with the Council's approved Statement of Community Involvement - will commence in May 2016. All subsequent plan-making stages for the Core Strategy are based on this date.

Proposed Documents

3.6 A diagram showing the components of the Local Plan is contained in Appendix A.

3.7 Development Plan Documents (DPDs) have statutory status and carry the most weight when making decisions on planning applications. They are subject to independent examination by an independent Planning Inspector and undergo a rigorous procedure of community involvement and consultation.

3.8 Supplementary Planning Documents (SPD) are intended to expand upon, or provide further details to, policies in Development Plan Documents. New or replacement Supplementary Planning Documents will go through a consultation

process in accordance with the Statement of Community Involvement. Supplementary Planning Documents are not subject to examination but are adopted by the City Council, having been informed by community and stakeholder involvement in their preparation. Once adopted, Supplementary Planning Documents will form part of the Local Plan as non-statutory documents.

3.9 The Council must also produce a Statement of Community Involvement (SCI) setting out how it intends to consult and involve the community in the preparation and review of local development documents and in development management decisions.

3.10 The Authority Monitoring Report (AMR) assesses whether policies, targets and milestones have been met and it will inform the review of the Local Development Scheme.

4.0 PROJECT MANAGEMENT AND RESOURCES

4.1. Due to the complex nature of the Local Plan, it is necessary to have in place clear project management principles and processes to ensure the delivery of the plan. The following management structure is in place to guide delivery of the Local Plan:-

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

A dedicated Project Manager ensures that proper project management principles are established and adhered to in delivering the Local Plan.

- **Local Plan Board:** the Local Plan Board has overall responsibility for the delivery of the Local Plan. It provides strategic direction and ensures that appropriate resources are made available to ensure the delivery of the project. It also provides challenge on progress. The Board is chaired by the Executive Director of Commercial Development, and comprises the Chief Operating Officer (Place), Head of Planning and Regeneration, the Head of Housing Support, Director of People Services, Director of Public Health and Head of Infrastructure and Transportation.
- **The Local Plan Working Group** considers and undertakes actions to progress the plan. The Working Group comprises the core planning policy team, Financial Resources Officer, Communications Officer from Corporate Communications and Transportation Officer. Representation is provided from other council services on request and helps to ensure an integrated policy and infrastructure delivery approach.

An officer from the Council's Risk Assessment team sits on both the Local Plan Board and Local Plan Working Group.

- **Member Steering Group:** Elected Member input and endorsement of key plan documents is provided by the Member Steering Group which is made up of the Cabinet Secretary and Cabinet Portfolio Holders for Housing and Planning and the Chair of Planning and Highways Committee.

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

4.3 Budgetary provision is sought on an annual basis based on the Service Delivery Plan and Local Development Scheme programme. Specific costs relating to the submission of documents and the Examination process are identified in the Council's Medium Term Financial Plan.

4.4 The Area Action Plan for the International Advanced Manufacturing Park is being prepared by consultants working on behalf of Sunderland and South Tyneside Councils. The nature of this plan means that it has a different management structure to the Core Strategy but there is consistent officer representation.

4.5 The project is managed by a dedicated Project Co-ordinator, supported by officers from both Councils. Progress on the AAP is reported to the joint IAMP Planning Delivery Group, which feeds into the City Deal's IAMP Sub-Group and then up to the City Deal Board.

5.0 RISK ASSESSMENT

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

Risk Identified	Likelihood/ impact	Management Action
Programme Slippage	<p>Medium/ High</p> <p>The Council is required to meet the milestones for development plan documents in the LDS. Failure to deliver against the key milestones will be damaging to the reputation of the local planning authority and the absence of up-to-date planning policies will hamper the realisation of the Council's vision and lead to uncoordinated developments in the City. Recently the Government announced that it would "intervene" in the preparation of Local Plans where significant slippage from published LDS milestones had occurred.</p>	<p>The Council will ensure that progress is carefully monitored and that priority is given to achieving the key milestones set out in the LDS through the Local Plan Board.</p>
Staff Resources	<p>Medium/ High</p> <p>Loss of experienced staff will impact on the production of documents. Over the past few years there has been a reduction in staff available to carry out local plan work. Recruitment of replacement staff has proven difficult but progress is now being made.</p>	<p>Ensure that sufficient staff resources with the necessary experience and expertise are available for plan production. Work on the Local Plan will be made a priority. Consultants will be engaged to provide specialist advice. Agency Staff will be employed to ensure appropriate resources are available for plan-making.</p>
Financial Resources	<p>Medium/ High</p> <p>Government spending cuts continue to affect resources across the Council. Sufficient financial resources are required to prepare documents and consult.</p>	<p>Ensure the Local Development Scheme informs the Council's Medium Term Financial planning.</p>

Resources of external agencies	<p>Medium/ High</p> <p>The preparation of the Local Plan will require considerable input from other organisations (Environment Agency, Natural England, Highways England, etc). Many will be involved in the preparation of Local Plans by other authorities. They are also being affected by reduced resources which could affect their capacity to provide input to the Local Plan.</p>	<p>In order to minimise risk, the Council will seek to talk to such organisations as early as possible and build upon existing working relationships in order to minimise slippage of the Local Plan.</p> <p>The LDS provides forward notice of the Council's Local Plan programme. Regular liaison takes place between key infrastructure bodies and statutory consultees.</p>
Legal compliance/ soundness/ legal challenge	<p>Medium/ High</p> <p>The Planning Legislation and Regulations place specific responsibilities on the Council regarding the need to prepare a plan that is "sound". Failure to prepare a plan that is "sound" will result in the Local Plan being rejected by the Planning Inspectorate.</p>	<p>The Council will seek to ensure that the Local Plan is legally compliant, "sound" and based upon a robust evidence base.</p> <p>The Council will work closely with the Planning Inspectorate at all stages to ensure that the tests of soundness are met. The Council will take legal advice on the plan process as appropriate.</p>
Failure to comply with Duty to Cooperate	<p>Medium/ High</p> <p>A legal duty on the Council for the Local Plan. The duty cannot be demonstrated retrospectively therefore failure to demonstrate it will have significant effect</p>	<p>Ensure cross-boundary strategic priorities are scoped at an early stage and early sustained engagement with adjacent authorities and other key stakeholders is established. Document engagement and outcomes and how this has led to effective policies on strategic matters.</p>
Changes in national policy/ legislation	<p>Medium/ High</p> <p>Changes to the statutory process or new substantive policy which affects the content and direction of local policy preparation and decisions may cause delays to the programme.</p>	<p>The Council will carefully monitor new policy and legislation and give priority to managing any impacts on the key milestones set out in the LDS.</p> <p>Advice will be sought from Department of</p>

		Communities and Local Government and the Planning Inspectorate as appropriate
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6.0 PROFILES OF LOCAL DEVELOPMENT DOCUMENTS

1. Core Strategy Development Plan Document

Overview	
Title	Local Plan Core Strategy
Role and Content	Sets out strategic policies for development of the City. Contains a suite of strategic development management policies.
Coverage	City wide
Status	Development Plan Document
Chain of Conformity	In accordance with legislation and national planning policies and guidance

Timetable	
Consultation on Growth Options	May 2016
Publication	November 2016
Submission	March 2017
Examination	July 2017
Adoption	June 2018

Management Arrangements	
Organisational Lead	Head of Planning and Regeneration
Lead Officers	Strategic Plans and Housing Manager Team Leader Planning Policy
Management Arrangements	Local Plan Board, Member Steering Group, Cabinet ,full Council (Submission and Adoption)
Resources	<p>Internal</p> <ul style="list-style-type: none"> • Staff in Planning Policy Team • Other Officers in Planning Division • Other Officers in other Directorates • Local Plan budget to cover preparation of evidence, consultation and examination costs <p>External</p> <ul style="list-style-type: none"> • Planning Consultants
Community and Stakeholder Involvement	Wide stakeholder and community involvement using a range of consultation methods described in the Statement of Community Involvement (SCI), which also meets the requirements set out in relevant Regulations.
Monitoring and Review	Authority Monitoring Report

2. Allocations Plan

Overview	
Title	Local Plan Allocations Plan
Role and Content	Sets out detailed site-specific land uses
Coverage	City wide
Status	Development Plan Document
Chain of Conformity	In accordance with legislation and national planning policies and guidance. Accords with strategic policies in the Core Strategy.

Timetable	
Publication	November 2017
Submission	March 2018
Examination	June 2018
Adoption	May 2019

Management Arrangements	
Organisational Lead	Head of Planning and Regeneration
Lead Officers	Strategic Plans and Housing Manager Team Leader Planning Policy
Management Arrangements	Local Plan Board, Member Steering Group, Cabinet ,full Council (Submission and Adoption)
Resources	<p>Internal</p> <ul style="list-style-type: none"> • Staff in Planning Policy Team • Other Officers in Planning Division • Other Officers in other Directorates • Local Plan budget to cover preparation of evidence, consultation and examination costs <p>External</p> <ul style="list-style-type: none"> • Planning Consultants
Community and Stakeholder Involvement	Wide stakeholder and community involvement using a range of consultation methods described in the Statement of Community Involvement (SCI), which also meets the requirements set out in relevant Regulations.
Monitoring and Review	Authority Monitoring Report

3. Area Action Plan for International Advanced Manufacturing Park (IAMP)

Overview	
Title	Area Action Plan for International Advanced Manufacturing Park (IAMP)
Role and Content	Area Action Plan being prepared jointly by Sunderland and South Tyneside Councils. IAMP is a proposed 120ha development to support automotive and advanced engineering industries. The scheme has been identified as a project under the Nationally Significant Infrastructure Projects regime - a separate Development Consent Order will provide "permission" for the scheme.
Coverage	North of Nissan factory between Sunderland and South Tyneside
Status	Development Plan Document
Chain of Conformity	In accordance with legislation and national planning policies and guidance

Timetable	
Publication	August 2016
Submission	January 2017
Examination	April 2017
Adoption	September 2017

Management Arrangements	
Organisational Lead	Head of Planning and Regeneration (Sunderland) Head of Development Services (South Tyneside)
Lead Officers	IAMP Project coordinator Strategic Plans and Housing Manager
Management Arrangements	Local Plan Board, Member Steering Group, Cabinet ,full Council (Submission and Adoption)
Resources	Internal <ul style="list-style-type: none"> • Staff in Planning Policy Teams • Other Officers in Planning Division • Other Officers in other Directorates • City Deal budget to cover preparation of evidence, consultation and examination costs External <ul style="list-style-type: none"> • Consultants (AAP preparation and technical studies)
Community and Stakeholder Involvement	Wide stakeholder and community involvement using a range of consultation methods described in the Statement of Community Involvement (SCI), which also meets the requirements set out in relevant Regulations.
Monitoring and Review	Authority Monitoring Reports of both Councils

7.0 GLOSSARY

Authority Monitoring Report (AMR)

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

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

Development Plan Documents (DPDs)

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

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

Duty to Cooperate

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

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

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

Habitats Regulations Assessment (HRA)

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

Local Plan

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

National Planning Policy Framework (NPPF)

The NPPF (March 2012) is a single document that sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development. The NPPF prioritises the role of planning in supporting economic growth.

National Planning Practice Guidance (NPPG)

The NPPG (March 2014) is an online resource setting out further detail on the Government's national planning policies set out in the NPPF.

Statement of Community Involvement (SCI)

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

“Soundness”

A Local Plan must be 'sound'. The tests of soundness are set out in paragraph 182 of the NPPF. A plan must be:

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

Supplementary Planning Document (SPD)

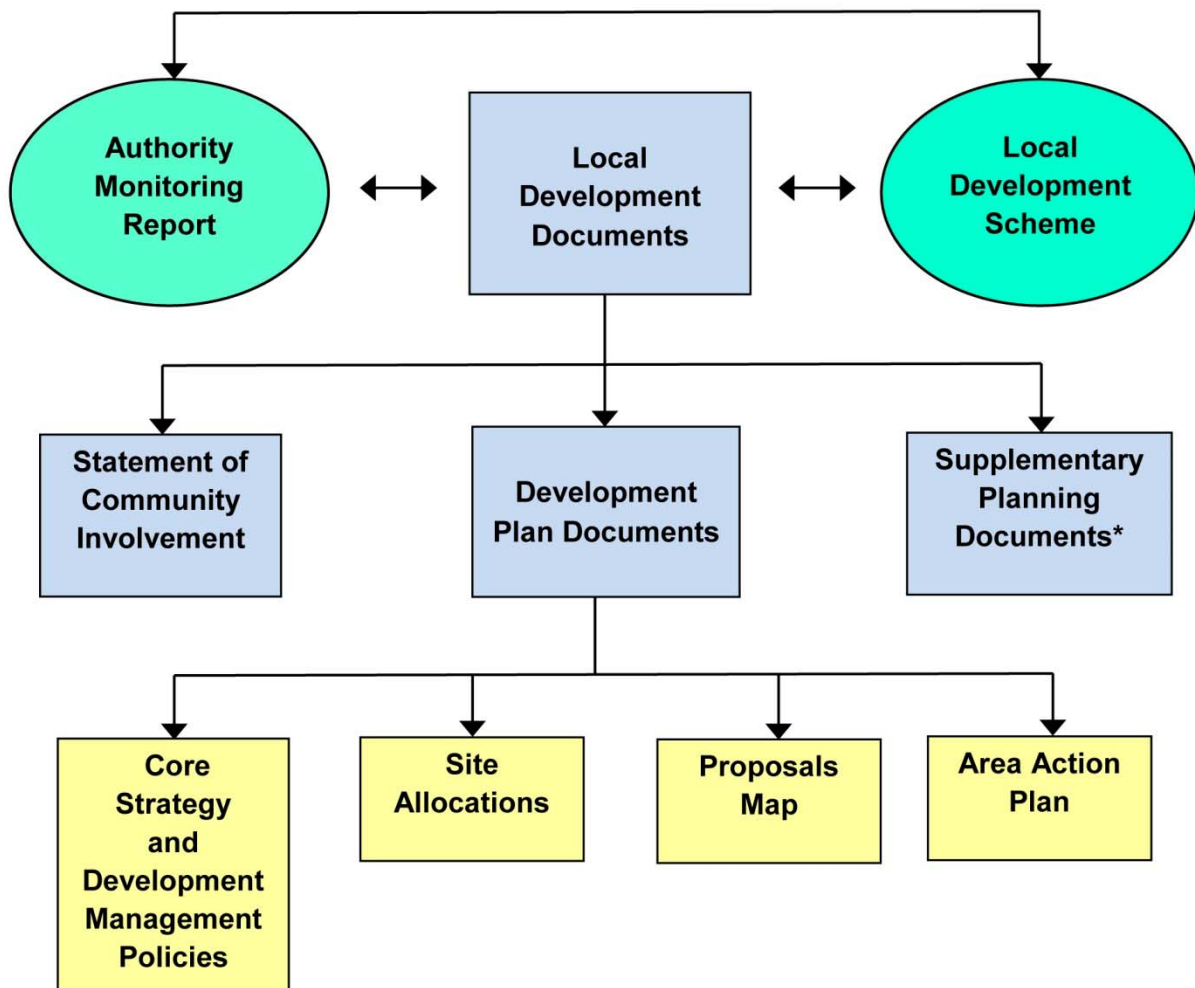
A type of planning document that provides support, and additional detail on the implementation of policies contained in Local Plans. An SPD is a material consideration, but carries less weight than a Local Plan.

Sustainability Assessment (SA)

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

APPENDIX A – LOCAL PLAN DOCUMENTS

The Local Plan



*optional

