

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – 16 SEPTEMBER 2008

Title of report	REVIEW OF LOCAL DEVELOPMENT SCHME
Key Decision	a) Financial No b) Community Yes
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Purpose of report	To seek Members approval for proposed changes to the existing Local Development Scheme
Reason for Decision	Cabinet approval is required before a new Local Development Scheme can be brought into effect.
Strategic aims	Strong and Safer Communities Healthy Communities Prosperous Communities Sustainable Communities
Implications: Financial/Staff Link to relevant CAT Risk Management	Allowed for within existing budgets Place Shaping A new Local Development Scheme will be required to establish the Council's programme for the production of the Local Development Framework. Future Housing and Planning Delivery Grant will be linked to meeting the milestones in the Local Development Scheme. It will thus be necessary to ensure that the Local Development Scheme is realistic and achievable. A Risk assessment has been undertaken and is attached at Appendix 2 of this report.
Equalities Impact Assessment	The various Development Plan Documents will have to ensure that any policies have taken account of any diversity and equality issues. Therefore all new policies will be subject to an Equality Impact Assessment as part of their preparation rather than the LDS.

Human Rights	None discernible
Transformational Government	Joint working with other planning authorities in Leicestershire in respect of the development of an evidence base has taken place to date, but it is not proposed as part of this LDS to produce any joint Development Plan Documents.
Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory.
Consultees	It will be necessary to consult with both the Government Office and the Planning Inspectorate prior to the LDS being brought into effect. Individual Development Plan Documents will be subject to consultation with a range of stakeholders, including the public, at various stages in their preparation.
Background papers	Planning Policy Statement 12 –Spatial Planning The Town and Country Planning (Local Development)(England) (Amendment) Regulations 2008. Copies of both of these are held in Room 116
Recommendations	<p>(I) THAT THE PROPOSED LOCAL DEVELOPMENT SCHEME BE APPROVED SUBJECT TO RECEIVING CONFIRMATION FROM THE GOVERNMENT OFFICE AND PLANNING INSPECTORATE PRIOR TO THE MEETING OR;</p> <p>(II) IN THE EVENT THAT COMMENTS ARE NOT RECEIVED FROM GOEM OR THE PLANNING INSPECTORATE PRIOR TO THE MEETING THAT ANY SUSEQUENT CHANGES SUGGESTED ARE CONSIDERED AND WHERE APPROPRIATE APPROVED BYTHE DIRECTOR OF ENVIRONMENT IN CONSULTATION WITH THE PORTFOLIO HOLDER, PROVIDED THE CHANGES DO NOT LEAD TO SIGNIFICANT ALTERATIONS TO THE DRAFT LDS</p>

1 INTRODUCTION

- 1.1 This report sets out proposed changes to the Council's approved Local Development Scheme (LDS). The existing LDS was approved in March 2007. The changes are required to reflect changes to the Local Development Framework (LDF) system introduced by the Government and to enable the

LDF to get back on track following a prolonged period of staff resourcing issues within the Planning Policy team.

- 1.2 The changes to the LDF system are outlined in section 3 of this report. It should be appreciated that the LDF is still in its infancy and the Government has concluded that changes were required to the system initially put in place. In addition to the formal changes, the Government has, since the commencement of the LDF system, introduced new requirements in respect of what should be included in various documents which has required additional work and hence resulted in delays.
- 1.3 In respect of staffing resource issues, members are probably aware that there is a shortage of planners nationally. There is currently one Senior Officer vacancy within the Planning Policy team which it has not been possible to fill to date. Options are being considered for this post, including making it suitable for those without a planning qualification but who aspire to work in the planning field. If this is successful then this will make up the full complement, although it should be appreciated that it will not be at a senior level as originally envisaged.
- 1.4 Before the proposed changes to the LDS can be “brought into effect” it must be approved by both the Government Office and the Planning Inspectorate.

2 WHAT IS THE LOCAL DEVELOPMENT SCHEME?

- 2.1 The Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and keep under review a LDS for their area. The primary objective of the LDS is to set out the programme of work for the preparation of the Council’s Local Development Framework (LDF) for 3 years ahead (i.e. for the period 2008-2011). It is therefore both a key management tool and an important vehicle for explaining the council’s plan-making intentions to key stakeholders and the general public.

3 RECENT CHANGES TO THE LOCAL DEVELOPMENT FRAMEWORK SYSTEM

- 3.1 The changes to the LDF system have been introduced in The Town and Country Planning (Local Development)(England) (Amendment) Regulations 2008. These changes are designed to streamline the system and the Regulations came into force on 27th June 2008. In addition, the Government has produced new Planning Policy Statement 12 (Local Spatial Planning).
- 3.2 The changes which have been made which directly influence the timetable and procedures to be set out in the LDS include:
 - Merging the Issues and Options and Preferred Options stage with a single requirement to engage the public and stakeholders;
 - Bringing forward the time for formal representations on any particular plan before it is submitted to the Secretary of State (previously these both took place at the same time and did not allow for any possible changes to be made to the plan);

- 3.3 In addition, a number of other changes have been made which do not at this stage impinge upon the LDS. These include, for example, enabling changes to be made to a plan following formal representations and prior to submission to the Secretary of State. However it is not necessary at this stage to build these into the programme set out in the LDS as the working assumption should be that no fundamental changes will be required following Formal Representations.
- 3.5 In addition to the legislative changes, the Government has, as noted above, produced revised national guidance (Planning Policy Statement 12). This, amongst other things, allows for Core Strategies to allocate strategic sites for development rather than waiting for a separate allocations document. In addition, it emphasises the importance of ensuring that Core Strategies make adequate and proper provision for appropriate infrastructure and supports the idea of Joint Working between different planning authorities.

4 PROPOSED REVISIONS TO THE LDS

- 4.1 The existing LDS proposed that the following documents be prepared:
- Core Strategy incorporating Development Management policies (Development Management policies are principally a series of technical policies used for determining the majority of planning applications;
 - An allocations Development Plan Document (DPD) dealing with housing and employment land, green wedges and limits to development
 - A Coalville town Centre Area Action Plan.
- 4.2 In addition, it proposed that the following Supplementary Planning Documents (SPD) be produced:
- Affordable Housing;
 - Housing Land Release;
 - Employment;
 - S106 Agreements;
 - Design Guidance
- 4.3 Whilst progress on the Core Strategy has not met the milestones in the existing LDS some progress has been made, including a wide spread consultation in summer 2007 which outlined a range of possible options in respect of directions for growth and locations for development. In addition, a number of new studies have been commissioned to help ensure that the Core Strategy is founded on a sound evidence base (e.g. a Strategic Flood Risk Assessment). Joint Working has also taken place with other authorities in Leicestershire as part of the development of the evidence base, including a Strategic Housing Market Assessment and a Climate Change study. Further opportunities for such working will continue to be explored and developed where possible.
- 4.4 The principal changes now proposed to the LDS are in respect of:
- the timing of the Core Strategy;

- the need to produce a separate Development Management Policies DPD following advice from the Government Office. It is suggested that this now be merged with the Allocations DPD, particularly as the latter will not be as extensive as originally envisaged due to the fact that strategic allocations will be included as part of the Core Strategy following the advice in PPS12;
 - It is also proposed to no longer proceed with the Coalville Town Centre Area Action. This is because there has been considerable change in circumstances since the previous LDS proposed the production of an AAP. Therefore, in view of other work ongoing in the Town Centre in support of the Masterplan, such as the Coalville's Changing project and the consideration of major retail proposals, it would not be feasible or practicable to produce an action plan within the necessary timescales that would provide a meaningful policy basis and actually would be able to influence key decisions in the town centre.
- 4.5 The proposed timetable for the Core Strategy and Allocations and Development Management Policies DPD are set out at Appendix 1 to this report.
- 4.6 Whilst there is no longer a requirement to produce a Preferred Options consultation, a further round of consultation on the Core Strategy has been built into the programme given the need to engage on the development requirements as a consequence of emerging requirements within the Regional Plan and to ensure that there is as much opportunity for public involvement as possible in the process. There will then be a further opportunity for involvement by stakeholders, including the public, public agencies, landowners and developers, in autumn 2009 when the Council has finalised its approach. Any objections received at this stage will then be considered as part of an Examination in Public chaired by a Planning Inspector appointed by the Secretary of State.
- 4.7 In respect of Supplementary Planning Documents (SPD) GOEM has advised that if it is intended to produce any SPD then these should be included within the LDS. It is not proposed to include within the LDS proposals for new SPD. Of the 5 SPDs included within the existing LDS that on Affordable Housing has been adopted whilst the SPD dealing with Housing Land Release has been withdrawn following the Cabinet decision of August 2007. The need for additional SPDs will be kept under review.
- 4.8 The existing LDS also indicated that the Council would consider the need to prepare a number of other Development Plan Documents (DPD) - an Airport Action Area Plan, a Charnwood Forest Area Action Plan, a Recreation and open Space provision and a Green Belt DPD. The need for these or other potential DPD's will be kept under review and hence no commitment is made to these in the revised LDS. Given the level of resource required to produce the Core Strategy and Allocations DPD's it is not appropriate at this stage to include any commitment in this LDS to the production of other documents..

5 NEXT STEPS

- 5.1 Before the LDS can be “brought into effect” it must be approved by both the Government Office and the Planning Inspectorate. Officers have already held informal discussions with the Government Office who in turn have sought the views of the Planning Inspectorate. Any comments received prior to the meeting will be reported verbally at the meeting.
- 5.2 In the event that no comments are received prior to the meeting but subsequent responses after the meeting result in suggested amendments to the timetable, it is recommended that any such changes be delegated to the Director of Environment in consultation with the Portfolio Holder.

APPENDIX 1

PROPOSED TIME TABLE FOR PRODUCTION OF CORE STRATEGY AND ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

CORE STRATEGY (DPD1)

Further Consultation on emerging Core Strategy	November/December 2008
Formal Representations	September 2009
Council decision to approve Core Strategy for submission	December 2009
Submission to Secretary of State	December 2009
Examination	July 2010
Adoption	February 2011

ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES DPD (DPD2)

Consultation on Issues	June 2009
Consultation on Options	February 2010
Formal Representations	September 2011
Council Decision to approve for submission	December 2011
Submission to Secretary of State	December 2011
Examination	July 2012
Adoption	February 2013

APPENDIX 2
RISK ASSESSMENT FOR LOCAL DEVELOPMENT SCHEME

Risk Identified	Likelihood	Impact	Risk rating	Countermeasures	Likelihood	Impact	Risk rating
Loss of staff during preparation of LDF thus resulting in lack of resources to deliver to agreed timetable.	4	4	16	<p>This issue has affected the Planning Policy team in recent years and recruitment has been difficult. Currently two vacancies within the section for Senior offices even though the pay rates appear to reflect local market rates. Any consideration of additional incentives would have to be considered Council wide. Consider re-grading of these posts to make them suitable for non-planning graduates with a view to developing and retaining staff at these levels.</p> <p>Also the directorate will ensure a flexible use of other planning staff to prioritise this work as well as, if necessary buying in the use of consultants to ensure the timetable can be met.</p>	2	3	6
New Government guidance which affects approach being taken thus requiring additional work and hence delays.	3	3	9	Ensure that all Planning Policy staff are aware of any emerging issues and guidance and asses potential impact upon LDF immediately.	3	2	6
Volume and nature of responses to consultations results in need for	3	3	9	Generally the interest and expectations of public,	2	2	4

additional work.				developers and landowners in the LDF process is high. Consider the employment of temporary staff to help assist with assessment of responses to consultations if required particularly to free up experienced planning officers.			
Insufficient budgetary resource available to undertake work necessary to support the LDF, including background studies and evidence gathering	4	4	16	To date most expenditure in support of LDF has come from Planning Delivery Grant. This has now been replaced by Housing and Planning Delivery Grant for the period up to 2011. The amount available each year to the Council is not known at the present time but in view of the current uncertainties in respect of the housing market it is possible that future levels of grant will not reflect those previously received. Consider what additional budgetary requirements may be and include in budget rounds.	3	3	9
Number of significant planning applications submitted which require input from Planning Policy staff	3	3	9	Need to ensure that LDF work is prioritised and that this is communicated to staff in Development Management. Consider use of external consultants to provide advice where appropriate.	2	2	4
Lack of sufficient capacity available at	2	3	6	Planning Inspectorate to be	1	2	2

stakeholders and Planning Inspectorate				<p>consulted on proposed programme in LDS. A Service Level Agreement will be signed when programme agreed.</p> <p>Ensure that stakeholders are engaged in process as early as possible. Identify key personnel within stakeholder organisations who have role to play.</p>			
Unprioritised corporate requirements impinge upon the resources available within the Planning Policy team	2	3	6	Ensure that appropriate priority attached Corporately to LDF. Ensure that Council Delivery Plan and service SMART Plan are realistic in terms of available resources.	1	2	2

