

Leicester
City Council

WARDS AFFECTED: ALL Wards

Strategic Planning & Regeneration Scrutiny Committee
Cabinet

20th January 2005
7th March 2005

Draft Local Development Scheme

Report of the Service Director, Environment

1 Purpose of Report

To advise members of the requirement under The Planning and Compulsory Purchase Act 2004 to prepare a Local Development Scheme and to seek approval of the Scheme for submission to the Secretary of State.

2 Summary

The Planning and Compulsory Purchase Act 2004 has introduced significant changes to the planning system, particularly in relation to planning policy. Structure plans will be abolished and local plans will be replaced by Local Development Frameworks (LDFs). The LDF is a portfolio of separate local development documents, which will provide guidance for the future development of the City and will be used as the basis for development control decisions. The first stage requires local planning authorities to prepare a local development scheme (LDS). This is a public statement and timetable for the production of local development documents. Key stakeholders will be consulted on the scheme to ensure that the programme and priorities fit with other strategies. Initial discussions have been held with the Government Office on the draft scheme.

3 Recommendations

It is recommended that:

- (i) Scrutiny Committee notes and comments on the report;
- (ii) Cabinet agrees the programme for preparation of local development documents as set out in the Draft Local Development Scheme; and
- (iii) The Local Development Scheme is submitted to the Secretary of State for approval.

4 Financial & Legal Implications

The requirements of the Local Development Plan Scheme will be met from the Development Plans Group's existing budget. However, a bid for funding has been submitted to the Leicestershire Shire Economic Partnership (LSEP) to commission consultants to undertake an Employment Land Study. The total cost of the study is estimated to be about £50,000. The City Council's contribution will

be £15,000 and this element will be met by future Planning Delivery Grant. Alan Tomlins, Head of Finance, Regeneration & Culture

Legal implications are outlined in paragraphs 2.1 and 2.2 of the Supporting Information section of report under the heading Legal Implications.

5 Report Author

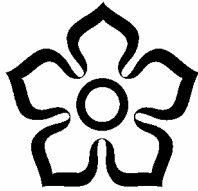
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Key Decision	Yes
Reason	Significant in terms of its effects on communities living or working in an area comprising one or more ward
Appeared in Forward Plan	Yes
Executive or Council Decision	Cabinet



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Draft Local Development Scheme

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SUPPORTING INFORMATION

1. Background

- 1.1 Part 2 of The Planning and Compulsory Purchase Act 2004, which came into effect on 28th September 2004, introduced a new plan making system. Structure plans will be abolished and local plans will be replaced by Local Development Frameworks (LDFs). The Act requires local planning authorities to prepare a local development scheme (LDS). It is a public statement and programme for the production of local development documents, which will form the new system of LDFs. Regulations and Planning Policy Statement 12: Local Development Frameworks accompanying the new Act prescribe the format and content of the LDS. The LDS must be submitted to the Secretary of State (via regional Government Offices) within six months of commencement of the new Act, i.e. by 28th March 2005. The submission of the LDS to meet the Government's deadline will be one of the criteria in awarding future Planning Delivery Grant to local planning authorities.
- 1.2 The Government's Public Service Agreement target (PSA6) requires local authorities to have their Local Development Frameworks in place by March 2007. However, the Office of the Deputy Prime Minister has recently clarified that the test of 'completion' will be whether the key milestones set out in the local authority's LDS are achieved. These are the key stages in preparing development plan documents and they will be one of the indicators of efficiency of the new planning system (see paragraph 2.3 below). The ODPM also considers that the two

priorities in the first LDS will be the Statement of Community Involvement and the Core Strategy.

- 1.3 The transitional arrangements under the new Act allow for existing adopted development plans to be 'saved' for a period of 3 years. In the case of the emerging replacement Leicestershire, Leicester and Rutland Structure Plan and the draft replacement City of Leicester Local Plan, both of these plans will be 'saved' for 3 years from the date of their adoption. This is especially important, because these plans will provide up to date development plan coverage, until they are replaced by the new local development documents.

2.0 The Local development Scheme

- 2.1 The draft Local Development Scheme is appended to the report. Sections 1 and 2 provide background information on the new legislative requirements and the content of the Local Development Framework. Section 3 outlines the existing adopted and emerging development plans to be 'saved' while section 4 sets out the local development documents to be prepared. In accordance with ODPM advice, the LDS identifies the Core Strategy as one of the main priorities. This will set out the strategic planning framework for the City up to 2025 and it will reflect the spatial aspects of the Community Strategy, the Regional Spatial Strategy and other strategies of key stakeholders in the City. The proposed supplementary planning documents for Abbey Meadows and the Waterside are also priorities tied in to the City Council's commitment to urban regeneration.
- 2.2 One of the main aims of the new planning system is to strengthen community and stakeholder involvement. Local planning authorities are required to produce a Statement of Community Involvement (SCI), which will outline how they will involve stakeholders and the community in the preparation of the local development framework and in development control decisions. The local development scheme sets out the intended programme for the preparation of the SCI.
- 2.3 The local development scheme should identify the key milestones and resources required to prepare local development documents. The key milestones are:
- commencement of the preparation process of a development plan document;
 - public participation on preferred options;
 - submission of development plan document;
 - pre-examination meeting;
 - commencement of the examination; and
 - adoption of the development plan document.
- 2.4 The preparation of all local development documents will require a sustainability appraisal. Sustainability appraisal is a systematic and iterative appraisal process, incorporating the requirements of the Strategic Environmental Assessment Directive. The purpose of the appraisal is to appraise the social, environmental and economic effects of the strategies and policies in a local development document. This is to ensure that decisions are made that accord with sustainable development. Sustainability appraisal reports must be published for consultation along with the draft local development documents.

2.5 The new Local development frameworks will enable a series of interrelated local development documents to be prepared, rather than a single document covering the whole authority area. In the Government's view, this will result in a more streamlined local planning process. Effective programme management is a key aim of the new system. The requirement to produce an Annual Monitoring Report will assess the implementation of the local development scheme and the extent to which policies are being achieved.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

1 Financial Implications

The requirements of the Local Development Plan Scheme will be met from the Development Plans Group's existing budget. However, a bid for funding has been submitted to the Leicestershire Shire Economic Partnership (LSEP) to commission consultants to undertake an Employment Land Study. The total cost of the study is estimated to be about £50,000. The City Council's contribution will be £15,000 and this element will be met by future Planning Delivery Grant. (Alan Tomlins, Head of Finance, Regeneration & Culture)

2 Legal Implications

2.1 Part 2 of The Planning and Compulsory Purchase Act came into effect on 28th September 2004. The Act requires local planning authorities to submit a Local Development Scheme to the Secretary of State within six months of commencement of the Act. The format and content of the Local Development Scheme is prescribed by the Act and accompanying Regulations.

2.2 With regard to the preparation of the Local Development Scheme (which is effectively an overarching document) under the Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004, functions in relation to approval of the Local Development Scheme can be undertaken by Cabinet. Any documents within the Local Development Scheme which are Development Plan documents cannot be the responsibility of the Cabinet under these regulations and will therefore need to be approved by Full Council. (Anthony Cross, Assistant Head of Legal Services, Ext 6362)

3 Other Implications

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	No	
Policy	Yes	Paragraph 2.1
Sustainable and Environmental	Yes	Paragraph 2.4
Crime and Disorder	No	
Human Rights Act	No	
Older People on Low Income	No	

Risk Assessment Matrix

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/or appropriate)
N/A			Not appropriate
	L - Low M - Medium H - High	L - Low M - Medium H - High	

The Local Development Scheme appended to this report includes a risk assessment (section 8.0)

4 Background Papers – Local Government Act 1972

The Planning and Compulsory Purchase Act 2004

The Town and Country Planning (Local Development) Regulations 2004

The Town and Country Planning (Transitional Arrangements) Regulations 2004

The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004

Planning Policy Statement 12: Local Development Frameworks

Creating Local Development Frameworks: A Companion Guide to PPS12

5 Consultations

The Government Office for the East Midlands has been consulted on the draft Local Development Scheme and it has been revised to take account of their comments.

Key stakeholders such as, the Leicester Partnership, Leicester Regeneration Company, East Midlands Regional Assembly (Regional Planning Body), Leicestershire County Council and adjoining District Councils have also been consulted on the draft LDS.