

Leicester
City Council

WARDS AFFECTED: ALL Wards

Cabinet

13th June 2005

Local Development Scheme

Report of the Service Director, Environment

1 Purpose of Report

To seek Cabinet's approval to the Council's Local Development Scheme and to specify the date from which the Scheme shall have effect.

2 Summary

The Planning and Compulsory Purchase Act 2004 introduced significant changes to the planning system, in particular the preparation of Local Development Frameworks. The starting point for this new system required local planning authorities to prepare and submit a Local Development Scheme (LDS) to the Secretary of State, via regional government offices. The Council's draft LDS was approved by Cabinet on 7th March and was submitted to the Government Office for the East Midlands (GOEM) on 24th March. Some minor revisions were requested to ensure internal consistency of dates for document production within the Scheme. On 20th April GOEM confirmed that the LDS is acceptable and asked that the LDS be formally approved by Cabinet and that Cabinet specifies the date from which the Scheme has effect.

3 Recommendations

It is recommended that:

- (i) Cabinet approves the Local Development Scheme; and
- (ii) The Local Development Scheme shall take effect from 14th June 2005.

4 Financial & Legal Implications

Any costs associated with the requirements of the Local Development Plan Scheme should be met from the Environment Division's budget. The Town and Country Planning (Local Development) (England) Regulations 2004 require the local planning authority to resolve when the Local Development Scheme comes into effect.

5 Report Author

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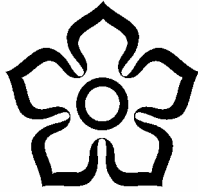
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DECISION STATUS

Key Decision	No
Reason	
Appeared in Forward Plan	No
Executive or Council Decision	Executive (Cabinet)



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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), which is a public statement and programme for the production of local development documents. 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.
- 1.2 On 7th March 2005 Cabinet considered a draft version of the LDS when it was approved for submission to the Government Office for the East Midlands (GOEM). The City Council's Local Development Scheme was submitted to GOEM on 24th March. Some minor revisions were requested to ensure internal consistency of dates for document production within the Scheme. Following these amendments, on 20th April GOEM confirmed that the LDS is acceptable and requested the local planning authority to bring the Scheme formally into effect in accordance with the regulations.

2.0 The Local development Scheme

- 2.1 Copies of the Local Development Scheme have been placed in the Members Group Rooms and a copy has been posted on the Council's website. The LDS covers three years from September 2004 to September 2007 and it includes the following local development documents to be prepared:
 - **Statement of Community Involvement** – will set out the local planning authority's standards for public consultation on local development documents and planning applications

- **Core Strategy** – a key development plan document which will set out a long term vision and strategic objectives for future development of the City
- **Waste Development Framework** (jointly with Leicestershire County Council) – a series of development plan documents for waste planning which will comprise a Core Strategy, detailed development control policies and site allocations
- **Abbey Meadows and Waterside Supplementary Planning Documents (SPD)** - detailed planning guidance for these LRC Masterplan regeneration areas
- **Energy Efficiency SPD** – practical advice on energy efficiency and the use of renewable energy in new development (will update Energy Efficiency SPG 2002)
- **High Buildings SPD** – design criteria and guidance on location and heights of buildings above 25 metres within the Strategic Regeneration Area
- **Conservation Area Character Statements** – detailed design guidance for Old Humberstone, Churchgate and Market Street Conservation Areas

2.2 The Local Development Scheme includes a timetable for the preparation of these documents. This identifies a number of key stages in the preparation of local development documents including public consultation. These key milestones will be used by ODPM to judge the local authority's future performance in preparing their Local Development Framework.

2.3 The preparation of all local development documents will require a sustainability appraisal report. 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.

2.4 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. There is a requirement to produce an Annual Monitoring Report, which will assess the implementation of the local development scheme and the extent to which policies are being achieved.

3. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

3.1 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)

3.2 Legal Implications

3.2.1 The Planning and Compulsory Purchase 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.

3.2.2 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)

3.3 Other Implications

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	No	
Policy	Yes	Paragraphs 2.1 – 2.4
Sustainable and Environmental	Yes	Paragraph 2.3
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 (section 8.0) includes a risk assessment.

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

Key stakeholders such as, the Leicester Partnership, Leicester Regeneration Company, East Midlands Regional Assembly (Regional Planning Body), Leicestershire County Council and adjoining District Councils were sent copies of the draft LDS. The Government Office for the East Midlands (GOEM) has been

consulted on earlier drafts of the Local Development Scheme prior to its formal submission on 24th March 2005. GOEM approved the Council's Local Development Scheme on 20th April 2005.